By Mr. BURKE:

H.R. 17659. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 17660. A bill to authorize the Administrator of Veterans' Affairs to convey certain real property to the city of Batavia, N.Y.; to the Committee on Veterans' Affairs.

By Mr. CRAMER:

H.R. 17661. A bill to amend the act of September 30, 1961 (75 Stat. 732); to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 17662. A bill to amend the Land and Water Conservation Fund Act of 1965 to authorize the use of money allocated for Federal purposes for easements for public access; to the Committee on Interior and Insular Affairs.

By Mr. SCHMIDHAUSER:

H.R. 17663. A bill to protect the employees of the executive branch of the U.S. Government in the employment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy: to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H. Con. Res. 1004. Concurrent resolution to urge negotiation under the General Agreement on Tariffs and Trade, article 28, for relief of tariff on machines used in making pulp, paper, and paperboard; to the Committee on Ways and Means.

By Mr. MADDEN:

H. Con. Res. 1005. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and contents of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17664. A bill for the relief of Giuseppe Palmeri; to the Committee on the Judiciary.

H.R. 17665. A bill for the relief of Enrique Yong, also known as Mui Po Yeung; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 17666. A bill for the relief of Murray F. Wittichen, Jr.; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 17667. A bill for the relief of Ioannes Panagiotis Tsagaris; to the Committee on the Judiciary.

By Mr. DYAL:

H.R. 17668. A bill for the relief of Fred A. Altstadt; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 17669. A bill for the relief of Demetrios C. Katsanis; to the Committee on the Judiciary.

By Mr. SENNER:

H.R. 17670. A bill for the relief of certain individuals; to the Committee on the Judiciary.

SENATE

MONDAY, SEPTEMBER 12, 1966

(Legislative day of Wednesday, September 7, 1966)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii.

Rev. Charles F. Kirkley, minister, St. Paul's Methodist Church, Kensington, Md., offered the following prayer:

Eternal God, whose spirit strives to create an expression point for Thy love and goodness in each of us, forgive us when by intent or indifference we have dimmed Thy light, distorted Thy truth, or perverted Thy love. Our thoughts turn to Thee on this occasion, not as a perfunctory performance or a tribute to protocol, but out of a deep sense of need for divine guidance and help.

Be with these Members of the U.S. Senate, who bear such heavy responsibilities for the affairs of state. In their anguish, may they find in Thee their quietness; in their perplexities, may they find in Thee their certainty; in their weakness, may they find in Thee their strength. Use their abilities and talents to weave the threads of human affairs into the fabric of Thy will for society. Save them from the timidity that shies away from truth, the stupor that arises from half-truths, and the arrogance that claims a monopoly on all truth.

Make them the instruments of righteousness in Thy hands, and may they so conduct the affairs of government that future generations may rise up to call them blessed. Through them may Thy will be done and Thy kingdom come, now and forevermore. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 12, 1966.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. DANIEL K. INOUYE, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. The Senate having recessed under a previous order in the absence of a quorum, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 251 Leg.]

Aiken	Hart	Morse
Bass	Holland	Mundt
Bennett	Inouye	Murphy
Boggs	Jackson	Muskie
Burdick	Javits	Nelson
Cannon	Jordan, N.C.	Prouty
Carlson	Kuchel	Proxmire
Church	Lausche	Randolph
Dirksen	Long, La.	Robertson
Dodd	Mansfield	Stennis
Ellender	McGee	Symington
Fong	McGovern	Young, N. Dak.
Fulbright	Mondale	

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. METCALF], the Senator from Rhode Island [Mr. PASTORE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from West Virginia [Mr. BYRD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from New York [Mr. KENNEDY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], the Senator from South Carolina [Mr. RUSSELL], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Georgia [Mr. TALMADGE], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from Michigan [Mr. GRIFFIN], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is detained on official business.

The PRESIDING OFFICER (Mr. BASS in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Bayh	Kennedy, Mass.	Williams, Del.
Byrd, Va.	McCarthy	Yarborough
Dominick	Monroney	Young, Ohio
Hickenlooper	Scott	
Hruska	Smith	

The PRESIDING OFFICER. A quorum is present.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Friday, September 9, 1966, was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On September 9, 1966:

S. 489. An act to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes;

S. 3005. An act to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce accidents involving motor vehicles and to reduce the deaths and injuries occurring in such accidents; and

S. 3052. An act to provide for a coordinated national highway safety program through financial assistance to the States to accelerate highway traffic safety programs, and for other purposes.

On September 10, 1966:

S. 3688. An act to stimulate the flow of mortgage credit for Federal Housing Administration and Veterans' Administration assisted residential construction.

INTERNATIONAL CONVENTION ON LOAD LINES—REMOVAL OF INJUNCTION OF SECRECY

Mr. WILLIAMS of New Jersey. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive S, 89th Congress, 2d session, the International Convention on Load Lines, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to acceptance of the International Convention on Load Lines, 1966, signed for the United States at London on April 5, 1966, I transmit herewith a certified copy of that convention. I transmit also the report of the Secretary of State with respect to the convention, accompanied by the Official Report of the U.S. Delegation to the International Conference on Load Lines, 1966, held in London, March 3–April 5, 1966, recommending early acceptance of the convention by the United States.

The 1966 Load Line Convention establishes new uniform rules concerning the limits to which ships on international voyages may be loaded. Its purpose is to bring international load line regulations into accord with modern developments and techniques in ship construction. Since 1930, when the existing Load Line Convention was signed, there have been significant changes and improvements in ship design and a general increase in the size of ships. In many cases deeper loading of ships can now be safely permitted.

The new convention should bring improvements in safety of ships as well as in the economics of shipping. I therefore recommend that the Senate give it early and favorable consideration.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 12, 1966.*

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

ADDITIONAL RESEARCH LABORATORY SPACE AT UNIVERSITY OF WASHINGTON, SEATTLE, WASH.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on the use of funds to provide additional research laboratory space at the University of Washington, Seattle, Wash. (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

ADDITIONAL RESEARCH LABORATORY SPACE AT UNIVERSITY OF WISCONSIN, MADISON, WIS.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on the use funds to provide additional research laboratory space at the University of Wisconsin, Madison, Wis. (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1967, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings through improved utilization of space available on administrative military aircraft, Department of the Air Force, dated September 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of change orders and other matters relating to the construction of District of Columbia Stadium, District of Columbia Armory Board, dated August 1966 (with an accompanying report); to the Committee on Government Operations.

PRESERVATION OF TREES WITHIN THE BOUNDARIES OF THE PROPOSED REDWOOD NATIONAL PARK

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to preserve the trees within the boundaries of the proposed Redwood National Park until Congress has had an opportunity to determine whether the park should be established (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESOLUTION OF THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself, I send to the desk a certified copy of a resolution from the Massachusetts General Court memorializing the Congress of the United States to increase the amount of contribution under the Federal Water Pollution Control Act by the Federal Government to municipalities constructing pollution-control projects.

I ask that this resolution be appropriately referred.

The PRESIDING OFFICER. The resolution will be appropriately referred; and, under the rule, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on Public Works, as follows:

RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

Resolution memorializing the Congress of the United States to increase the amount of contribution under the Federal Water Pollution Control Act by the Federal Government to municipalities constructing pollution control projects

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to amend the Federal Water Pollution Control Act by providing that the contribution of the Federal Government to municipalities constructing water pollution control facilities be increased to an amount equal to forty per cent of the estimated reasonable cost of such facilities.

House of Represenatives, adopted August 31, 1966.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, September 1, 1966.

THOMAS A. CHADWICK,
Clerk.

A true copy.
Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

S. 3821. A bill for the relief of Haralampos Alexiou; to the Committee on the Judiciary.

CIVIL RIGHTS ACT OF 1966—AMENDMENTS

AMENDMENTS NOS. 891 THROUGH 928

Mr. EASTLAND submitted 38 amendments, intended to be proposed by him, to the bill (H.R. 14765), to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at its next

printing, my name be added as a cosponsor of the resolution (S. Res. 300) to express sense of Senate with respect to troop deployment in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON H.R. 16114 BY SUBCOMMITTEE ON RETIREMENT

Mr. McGEE. Mr. President, I wish to announce that public hearings have been scheduled on H.R. 16114 before the Subcommittee on Retirement of the Committee on Post Office and Civil Service, to be held in room 6202 of the New Senate Office Building on Friday, September 23, 1966, at 10 a.m. This legislation would permit the inclusion of certain premium compensation in determining annual compensation for purposes of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act. Persons wishing to testify on this measure may arrange to do so by contacting the committee at telephone No. 225–5451.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate have a brief period for the transaction of routine morning business, with statements limited to 3 minutes, and that the unfinished business not be displaced.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana.

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

FEDERAL POWER COMMISSION

The legislative clerk read the nomination of John A. Carver, Jr., of Idaho, to be a member of the Federal Power Commission for term expiring June 22, 1968.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in confirming the nomination of John A. Carver, Jr., as a member of the Federal Power Commission, be rescinded, and that that nomination be placed on the Executive Calendar and passed over.

The PRESIDING OFFICER. Without objection, the nomination will be reconsidered and placed on the calendar.

U.S. ARMY

The legislative clerk read the nomination of Gen. Paul DeWitt Adams to be a general on the retired list.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. NAVY

The legislative clerk read the nomination of Rear Adm. Allen M. Shinn to be a vice admiral.

The PRESIDING OFFICER. Without objection the nomination is confirmed.

ATOMIC ENERGY COMMISSION

The legislative clerk read the nomination of Carl Walske, of New Mexico, to be Chairman of the Military Liaison Committee to the Atomic Energy Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 13712, THE MINIMUM WAGE BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday, September 14, 1966, during the further consideration of H.R. 13712, the conference report on the minimum wage bill, debate shall commence at 3 p.m. on the question of agreeing to the conference report, and shall be limited to not more than 3 hours on that question, the time to be equally divided between and controlled by the senior Senator from Texas [Mr. YARBOROUGH] and the junior Senator from Vermont [Mr. PROUTY], or whomever they may designate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent to modify the previous unanimous-consent request concerning the conference report on the minimum wage bill, so that, instead of the junior Senator from Vermont [Mr. PROUTY] being in charge of the opposition, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] be assigned that task.

The PRESIDING OFFICER. Without objection, the order will be so modified.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That beginning at 3 o'clock p.m. on Wednesday, September 14, 1966, during the further consideration of H.R. 13712, the conference report on the minimum wage bill, debate on the adoption of the conference report shall be limited not to exceed 3 hours with the time to be equally divided and controlled by the Senator from Texas [Mr. YARBOROUGH] and the minority leader [Mr. DIRKSEN].

Ordered further, That immediately following the disposition of the conference report on H.R. 13712, the minimum wage bill, instead of the time prescribed by rule XXII, the Senate shall proceed to vote on the cloture motion to bring to a close the debate on the motion to take up H.R. 14765, to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

MOTION FOR CLOTURE ON CIVIL RIGHTS ACT OF 1966

Mr. MANSFIELD. Mr. President, I send to the desk a motion for cloture, and ask that it be read.

The PRESIDING OFFICER. The motion will be stated.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed for the consideration of H.R. 14765, an act to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

MIKE MANSFIELD, PHILIP A. HART, GAYLORD NELSON, THOMAS J. DODD, HENRY M. JACKSON, JENNINGS RANDOLPH, WILLIAM PROXMIRE, BIRCH BAYH, DANIEL K. INOUYE, WAYNE MORSE, E. J. MCCARTHY, EDWARD KENNEDY, JOSEPH TYDINGS, J. K. JAVITS, THOMAS H. KUCHEL, HIRAM L. FONG, HUGH SCOTT.

Mr. WILLIAMS of New Jersey subsequently said: Mr. President, I ask unanimous consent, because a 10-minute delay made it impossible for me to be here in time to affix my name to the cloture motion on civil rights, that I may, at this time, affix my name to that motion.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, if the Senator from New Jersey will yield, I should like to make a similar unanimous-consent request, that the name of the Senator from Michigan [Mr. GRIFFIN] be affixed to the cloture motion, who came into the Chamber about 1 minute after the motion was read.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from New Jersey and the Senator from New York?

The Chair hears none, and the names of the Senator from New Jersey [Mr. WILLIAMS] and the Senator from Michigan [Mr. GRIFFIN] will be added to the cloture motion.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the Senator from New Jersey [Mr. CASE] be allowed to sign the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the vote on the minimum wage bill conference report on Wednesday, the vote on the motion for cloture shall take place immediately.

Mr. STENNIS. Mr. President, reserving the right to object, I may not object, but I understand the rules set for a time for the vote.

Mr. MANSFIELD. That is why I asked unanimous consent.

Mr. STENNIS. Is this the time specified?

Mr. MANSFIELD. No. That is why I asked unanimous consent. Otherwise, it would be automatic. I thought it would be best for the convenience of all Senators concerned.

Mr. STENNIS. The request is merely for the convenience of Senators?

Mr. MANSFIELD. Exactly.

Mr. STENNIS. And has nothing to do with the procedure on cloture itself?

Mr. MANSFIELD. Not in the least. It would make it convenient for Senators.

Mr. LONG of Louisiana. Mr. President, reserving the right to object—and I hope I shall not find it necessary to object—if we should have an opportunity to vote on the motion to take up before that time, would we nevertheless be required to vote in accordance with the unanimous consent request? Could we vote on the motion to proceed prior to that time?

Mr. MANSFIELD. I do not quite understand.

Mr. LONG of Louisiana. Suppose we should vote on the motion to proceed between now and Wednesday.

Mr. MANSFIELD. There will be no vote on the motion to proceed between now and the time of the vote on the cloture motion; I can assure the Senator of that.

Mr. LONG of Louisiana. The majority leader can assure the Senate that there will be no vote on that matter between now and then?

Mr. MANSFIELD. I can, and I do.

Mr. ELLENDER. Mr. President, can the majority leader be specific on the time of the vote?

Mr. MANSFIELD. Approximately 6 o'clock.

Mr. PROUTY. Mr. President, reserving the right to object, I inquire of the majority leader whether, if the conference report be rejected, it will then be in order to make motions and perhaps have votes.

Mr. MANSFIELD. It will.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. STENNIS. Mr. President, again reserving the right to object, as I understand the majority leader, assurance is given to the Senate that his request is based merely on the convenience of Senators, and that no motion will be made or in order, and the majority leader will actively oppose any motion to dispose of the bill, or the motion to take up, or any other questions with reference to the House bill which is now the pending business?

Mr. MANSFIELD. The Senator has my word.

Mr. STENNIS. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

THE VIETNAM ELECTION

Mr. DIRKSEN. Mr. President, the election of a constituent assembly to draft a constitution for Vietnam is an event of surpassing importance.

That it should have taken place under reasonably tranquil conditions and with no more untoward incidents than one might find in an election in New York or Chicago is in itself of the highest significance.

Anyone familiar with Vietnam, with the stress and strain of the instant struggle and with the high illiteracy rate must realize how impressive this vote by the people really is. Anyone familiar with the group cleavages—the religious and ideological pressures in Vietnam—will appreciate the feelings of the Vietnamese people.

Behind the stolid expression which characterizes their oriental outlook on life; behind the seeming indifference which would be rather easy to understand; behind the factional pushing and pulling of recent years is a purposeful determination to manage their own destiny, and surely this is in the best democratic tradition.

The response of the people is one of the most impressive facets of that election. It may well exceed 75 percent or more of the eligible voters who responded. Could we have done better?

We are equipped with up-to-the-minute views on all matters by an alert press, by a radio and television medium which is as up to the minute as the restaurant prices in a nation beset with wild inflation. We might be expected to know the last word on an election of this kind, but for the Vietnamese with limited communications, low literacy, an overriding fear of the constant Vietcong surveillance makes this an extraordinary record.

For us it is a tonic. It is an answer to those who believe that our faith in the Vietnamese and in their desire for self-determination has been fully vindicated.

In the welter of war and bereavement, the people of Vietnam have demonstrated their determination to be free. They have proved to all the world that, notwithstanding numberless handicaps, they have not lost sight of their national goals, and that is the desire to remain the masters of their own freedom and their own destiny without pressure from without.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, if the civil rights bill is disposed of this week by means of cloture or a failure of cloture, it is the hope of the distinguished minority leader and myself that, if the committees start functioning with reasonable dispatch as they can and will, we can dispose of the legislation still pending in committees before or by October 15.

We have discussed this matter and we would both very much like to adjourn by October 15, and not recess.

The decision, however, is not in our hands. It is in the hands of the committees, and I personally appeal to the chairmen of the committees and to the ranking minority members to do what they can to expedite the handling of this legislation so that it may be possible for the Senate and Congress to adjourn sine die by October 15 of this year.

The minority leader and I have also discussed the possibility of meetings on Saturday. We hope that the Senate would concur in this procedure if there is legislation to consider in an effort to reach adjournment by October 15.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, I concur in the hope expressed by the distinguished majority leader.

I assure him now that, insofar as the minority is concerned, we will cooperate with respect to Saturday sessions. I think it is appropriate here and now to thank the majority leader for his generosity and tolerance all through this session. We have had few if any Saturday sessions that I recall.

That is not much of a sacrifice for Senators to make if there is a reasonable hope that we can conclude our legislative labors by the 15th of October.

Mr. President, I shall propose when our policy committee meets tomorrow—and that will include all of our members—that we explore this matter.

I am confident there will be a maximum amount of cooperation afforded in order to achieve this goal.

Mr. MANSFIELD. Mr. President, I express my thanks to the distinguished minority leader and state that if there are Saturday sessions, it will only be because there is business to be attended to and not merely for the purpose of meeting on Saturday per se.

VIETNAM'S WAGER ON DEMOCRACY

Mr. KUCHEL. Mr. President, there has been a great deal said in this Chamber about American actions in southeast Asia. There has been too little said about the brave people of South Vietnam.

On Sunday the citizens of that country went to the polls to elect a constituent assembly which would decide how their Republic is to be governed. To prevent them from conducting this basic sacrament of democracy, the Communist Vietcong intensified their campaign of terror, striking at villages, at military outposts, and deep into the capital of Saigon, itself. They sought to frighten the innocent Vietnamese into staying away from the polls. To date this savagery has left 19 dead and 120 wounded. In the Mekong Delta alone, 52 incidents of terror were reported on election day. Over 140 were counted throughout the country.

Despite this brutal campaign of intimidation, over 4 million people went to the polls—a turnout of better than 75 percent of the registered voters, and a rate of ballot participation far higher than anyone had dared to hope. This is an extraordinary demonstration by a poor and humble people of their courageous devotion to the cause of self-government.

The world does not yet know what decision the voters will produce. But it does know that the people of Vietnam have given the lie to the Communist argument that the Vietcong and their terror represent the wave of the future. They have also shown that there are weapons more potent than raw force.

In Venezuela and the Dominican Republic, we have recently witnessed the triumph of the democratic system of elections over Communist violence and terror. The instruments of democracy are the strongest weapons available to man. They are a match for subversion, conspiracy, tyranny and terror. We sometimes fail to appreciate the true measure of their power.

The Vietcong may well have suffered their Dienbienphu—at the polls.

At every reasonable opportunity, the instrument of suffrage, and of public debate and public expression, should all be used as this experiment in democracy gains strength.

If man is to achieve his dream of peace on earth, his words and his will must overcome the fist and the dagger. Albert Camus wrote:

> Henceforth the sole honor will be to hold obstinately to the tremendous wager which will finally decide if words are stronger than bullets.

Yesterday's action by the Vietnamese people strengthens our faith that the wager is being won.

THE VIETNAMESE ELECTION

Mr. MONRONEY. Mr. President, yesterday the embattled citizens of Vietnam answered a question that has been the subject of world dispute for many many months.

Spokesmen by the dozens, purporting to represent the tens of thousands of Vietnamese, have been declaring over many months that these people did not understand nor comprehend the meaning of democracy.

Sunday the Vietnamese people, millions strong, spoke for themselves.

Instead of a stay-at-home vote—instead of ignoring the opportunity to express themselves—they spoke in the 80-percent turnout of the registered voters of their desire to be their own masters.

This was a decision that they want to walk down the road of representative, constitutional government. They thus embarked upon the first step toward self-government in selecting the delegates to draft the necessary constitution for self-government.

Loud and clear they said that they want nothing to do with Ho Chi Minh and his Communist agents and followers in the south.

They gave the lie to the idea that the Vietcong represented any significant part of the Vietnamese people.

Confounding many of the so-called experts, these Vietnamese people declared that they want freedom and democratic institutions and a chance to pick their own representatives.

In no uncertain terms, Mr. President, this message was given for the world to hear. And I hope that all Americans and the people of every nation—and particularly the leaders in Hanoi—have heard and understood that message.

All Americans can take heart from this massive expression of free popular will of the Vietnamese people. For we have been fighting and sacrificing for just this purpose. We consider it of vital importance that these people can make their own way without pressure and intimidation from outside.

Thus, the first step—not a long one, but one of great importance—has been taken toward building a new nation dedicated to the principle of self-rule. Many tough problems lie ahead. The Vietcong, regardless of this defeat at the polls and their efforts to frustrate this election, are not now going to simply melt away.

Ho Chi Minh has suffered an important defeat. But it is doubtful that it is severe enough at this point to make him pull his forces back to the north and to abandon his campaign of terrorism and aggression.

Much hard work and sacrifice remains to be done in Vietnam. Political parties will have to be created. Leaders chosen by the people must prepare to write a constitution to guide a new democracy. Early next year there will be new elections for the executive and legislative institutions that will make up a freely chosen government.

Regardless of our satisfaction over the first strong forward step taken in the election yesterday, it is no time for us—or for the people of Vietnam—to celebrate a victory and consider that the fight is won. It is no time to relax, but a time to rededicate ourselves to the cause of freedom.

Instead, those of us who work in the Congress as the constitutional representatives of a great nation of people should once more demonstrate the effectiveness and strength of a government based on the consent of the governed. The bravery and determination of our Vietnamese friends should remind us of our responsibilities of the moment.

The Congress has before it several legislative proposals of great urgency. The pending business of the Senate should be disposed of. Measures to strengthen our domestic economy should be considered without delay.

Meanwhile, the Members of Congress who have overwhelmingly supported three Presidents in our efforts to gain for the people of southeast Asia the sacred right of self-determination, can take deep satisfaction from what happened yesterday in Vietnam.

For a courageous and proud people have delivered a message to the world.

And the world has heard—and applauded.

TO PRINT ADDITIONAL COPIES OF HEARINGS ON SUPPLEMENTAL FOREIGN ASSISTANCE FOR VIETNAM FOR FISCAL 1966—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, on behalf of the Senator from North Carolina [Mr. JORDAN], I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 77) authorizing the printing of additional copies of hearings on supplemental foreign assistance for Vietnam for fiscal 1966. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of September 8, 1966, CONGRESSIONAL RECORD, pp. 22048–22049.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

LEADING INDICATORS SHOW LONG BUSINESS BOOM ABOUT TO END—PRESIDENT'S TAX PROPOSALS WOULD MAKE END COME QUICKER AND GO DEEPER

Mr. PROXMIRE. Mr. President, the President of the United States has asked this Congress to suspend the investment credit and endorse the administration's suspension of accelerated depreciation in order to keep prices and interest rates from rising further; that is, to moderate the boom.

Whether Congress should approve the President's proposal depends on how the Members of this Congress expect the economy to behave in the next year and a half or so, if we do not follow the President's prescription, and how we expect it to behave if we do follow it.

Mr. President, I strongly endorse the President's proposed cutbacks in spending, but I hasten to add that he has not

gone nearly far enough. I have said he should cut additional spending, and I have indicated how in my judgment he should reduce it.

I favor that course for many reasons. A principal reason is that such a course would have an immediate effect on prices and can be swiftly reversed if we should move into a recession.

But these are exactly the reasons I oppose his tax proposals. Both suspension of the investment credit and postponement of accelerated depreciation will not have their prime effect for a year or more, and their consequences will be felt for years after that time.

This morning's Wall Street Journal carries an excellent article by George Shea which concludes:

Thus the signs accumulate that before many months have passed the course of general business will be seen to be turning down. If so, the tax and other measures urged by President Johnson, if they succeed in slowing down capital spending, will merely add their weight to an already weakening trend.

Mr. Shea spells out the key advance indicators of a turn in our economy which more and more clearly points to the near future as a period when the record long boom of the economy will be turning down. They are:

First. The sharp rise in interest rates—characteristic of the end of a boom period.

Second. A decline in stock prices, following hard on the rise in interest rates. We have suffered a 23-percent drop in stock prices since February.

Third. A third characteristic of the top of booms is that prices of industrial raw materials tend to edge off while other wholesale and most retail prices are still climbing. The Government's daily index of 13 industrial raw materials touched a high just under 125 percent of 1957–59 last March, and in recent days has fallen below 109 percent.

Fourth. Other leading indicators seem to have turned down in recent months. They include housing starts, the average workweek in manufacturing, and commercial and industrial building awards. Still other leading indicators seem to have turned to a level trend from an uptrend previously.

I ask unanimous consent that the article by George Shea from the first page of this morning's Wall Street Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

The current economic situation in the United States has the earmarks of a typical top in a business boom. If events follow their historical course this top will be followed soon by a downturn in business activity. And the measures just proposed by President Johnson to fight inflation are likely to speed the arrival of the downturn or aggravate it or both.

One of the clearest signs of a boom top is a strong rise in interest rates on borrowed money. Such a rise has been taking place for more than a year.

Some people seem to think the Federal Reserve Board is responsible for the rise in interest rates, and that it triggered the rise when it boosted to 4½ percent from 4 percent last December the discount it charges on loans to member banks. Actually, at that time, rates on tax-free bonds had been rising since early 1965 and rates on Treasury securities had been going up since July.

It is true that the Reserve Board began to ration the banks' lendable reserves as early as the spring of 1965, though it did so far more moderately in that year than it has since March this year. But in spite of such rationing, bank lending has continued at a very rapid pace. Fundamentally, it is this rapid expansion in loans at the banks, accompanied by large credit demands in other forms, that has tightened money and caused interest rates to rise.

The Reserve authorities themselves put the case clearly in a statement Sept. 1 asking the banks to limit new loans and avoid selling securities as a means of obtaining money to make loans. Credit expansion, they said, "should be moderate enough to help insure that spending—and particularly that financed by bank credit—does not exceed the bounds that can be accommodated by the nation's growing physical resources."

This is the key point in two ways. Not only does spending at a rate of growth beyond that of physical capacity tend to cause prices to rise, thus defeating the efforts of the spenders to speed physical growth. But also, by the same token, the accompanying growth in credit demand tends to exceed the rate of savings growth that the economic system is capable of producing.

In turn, that is why interest rates rise and the supply of credit falls short of demand. As this shortage becomes aggravated it first limits, then often reverses, growth in business activity, bringing about a downturn. Furthermore, the sequence appears inescapable; any attempt by Reserve authorities to increase the supply of credit in this situation would merely speed up inflation of prices without changing the physical limits on growth, and the same unfortunate consequences of tight money and business downturn would follow sooner or later.

Another characteristic of boom tops is a decline in stock prices that follows hard upon rising interest rates. This, too, we have seen in the present instance, with a stock-price drop of some 23 percent since early last February. Basically, the same factors that caused interest rates to go up make stocks go down. People in need of money can't buy stocks and in many cases sell stocks. In addition, of course, low dividend yields obtainable from stocks look less and less attractive when the interest yields available on bonds and other kinds of loans become larger.

A third characteristic of the tops of booms is that prices of industrial raw materials tend to edge off while other wholesale and most retail prices are still climbing. Apparently these raw materials tend to be the first commodities in which supply catches up with demand as a result of the opening up of new sources of production. The Government's daily index of 13 industrial raw materials touched a high just under 125 percent of 1957–59 last March and in recent days has fallen below 109 percent.

This decline may seem strange at a time when the Government and many economists worry about inflation, but such contradictory movements have been seen before. In the 1957–58 recession the index of raw commodities fell from 109.7 in 1956 to 102.2 in 1957 and 95.1 in 1958, although the overall wholesale index in the same years edged up from 96.2 to 99.0 and then to 100.4.

Even in a single commodity, copper, the same thing can be seen today. Since last winter copper scrap has fallen sharply but the U.S. price of newly refined copper was raised last week by two producers; the reason, of course, is that the refiner price has been held artificially far below the world price as reflected in scrap and in the London Metal Market. Now the Administration, continuing the artificial pressure, is trying to persuade the two producers to roll back the price they've raised.

Stock prices and raw material prices are two of the so-called leading indicators that economists watch because they tend to turn up or down ahead of general business. Interest rates are classed as a lagging indicator because they go up late in a boom and down late in a recession. But in a sense—if looked at upside down, as it were, by watching bond prices—they could be regarded as a very early leading indicator that moves even ahead of stocks and raw materials.

Others of the leading indicators seem to have turned down in recent months. They include housing starts, the average workweek in manufacturing, and commercial and industrial building awards. Still others of these early indicators seem to have turned to a level trend from an uptrend previously.

Thus the signs accumulate that before many months have passed the course of general business will be seen to be turning down. If so, the tax and other measures urged by President Johnson, if they succeed in slowing down capital spending, will merely add their weight to an already weakening trend.

GEORGE SHEA.

Mr. PROXMIRE. Mr. President, on this investment credit suspension, there is a built-in technical reason why its effect will be far sharper and greater a year from now than it will be in the first few months.

Consider the position of Transcontinental and Western Airlines, which was reported to have ordered $400 million of planes on September 2. If the President's proposal is written into law, this firm will lose $28 million in net profits. If TWA had had any inkling of the Presidential message, they would have speeded up their order to August 31.

Now, Mr. President, consider the position of the businessman next August or September who is considering ordering a big item of equipment. Remember, restoration of this credit will be only 4 or 5 months away. Should he order now or wait 4 or 5 months? With each day that passes, businessmen will be more and more reluctant to order. They will be a day closer to a profitable credit if they wait.

The capital goods industry may start dropping this year, because the credit is absent, but it will accelerate its descent in March, April, May next year. By September, the industry is likely to be all but paralyzed. The last quarter of next year will be a nightmare. Every businessman with any kind of major equipment order in mind will of course postpone the order.

The same will be true of all the industrial building in America. Can one imagine a businessman contracting for a half-billion-dollar plant in October next year, when he could wait 3 months and enjoy a $35 million increase in his net profit?

So the lag with a specially depressing impact about a year or so from now is a sure consequence of these proposals.

This may mean that Congress will end its suspension earlier. Maybe, maybe not. That depends on what is happening to prices at that time. We could have in late 1967 what the country has had

in the past—rapidly increasing unemployment coinciding with continuing rising prices.

Postponement of Government public works projects would involve none of these hazards. Its effect would be swift. Its reversal could come in part or in whole—depending on an instant Presidential decision.

ANTIDUMPING AND PROTECTIONISM

Mr. JAVITS. Mr. President, the Trade Expansion Act of 1962 was heralded as the start of a new era of liberalized world trade policy, yet it has not prevented protectionist forces from attacking this policy in Congress since the act has been in effect.

I have fought protectionist legislation, as protectionism only hurts the consumer and weakens the competitiveness and efficiency of our domestic economy and that of every other country that participates in this practice.

Increasing pressures have been brought on Congress in recent months to amend the Antidumping Act in a fashion that would make it so restrictive as to prevent legitimate forms of international competition and to induce foreign countries to retaliate in kind.

In my view, the best approach to stop this protectionist spiral is to negotiate an international antidumping agreement during the current GATT trade negotiations, and in a recent speech I gave a full exposition of my reasons in support of such an international agreement.

I ask unanimous consent to insert into the RECORD the speech I delivered on this subject before the International Trade and Customs Law Committee of the Federal Bar Association, September 9, 1966, at the Statler Hilton Hotel in Washington.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

When the Trade Expansion Act became law four years ago it was hailed as the beginning of a new era of enlightened and liberalized trade policy. The experience of these four years shows that the Act did not prevent protectionist forces from maintaining steady pressure on the Congress—with some success at times—for protectionist legislation.

I take this opportunity to sound the alarm and to issue a strong warning now as to the consequences of pursuing such policy. The increased protectionism of the Congress is a growing threat and failure or even the absence of a clearcut success at the current GATT negotiations could unleash a worldwide wave of protectionism.

It is clearly in the interest of the United States to support a policy of effective trade liberalization. A policy of protectionism weakens the competitiveness and efficiency of our economy and the economy of each nation that practices it. The United States and its allies need to be economically strong and cohesive. Increasingly greater international trade insures that nations seek to remain competitive and that their resources are used efficiently.

Elimination of restrictions against trade is an essential ingredient of effective international cooperation. The trouble is that we want to have our cake, and eat it, too. We want to expand exports, while increasing restrictions against competitive imports. This would be a nice trick, if it could be done, but such a nearsighted view is like the search for perpetual motion. It sounds trite to repeat it, but it is true—trade is a two-way street. This is the principle which forms the basis of the U.S. negotiating position in Geneva and I can assure you Congress will not approve any agreement that does not reflect this principle.

Make no mistake about it, efforts such as the so-called Hartke-Herlong antidumping bill—sponsored by 32 of my colleagues in the Senate and 97 members of the House of Representatives—are, I regret to say, thinly disguised forms of protectionism.

I am in favor of modernizing the Antidumping Act of 1921 through legislation or regulations that would bring to a halt predatory price discrimination and the unfair use of economic power to destroy competition in international trade. That is why this Act was passed by Congress in the first place and measures that maintain that principle under current conditions have my support and that of other fairminded people.

But, the Hartke-Herlong approach violates this concept. It runs counter to a basic principles of international trade which is based on the idea that trade takes place when people in country A find it to their advantage to purchase a product in country B rather than at home because it is cheaper or more economical. The Hartke-Herlong bill is a move to "protect" by restricting total trade certain American industries—such as steel and cement—against legitimate international competition. If the drive by the U.S. steel industry for legislation such as the Hartke-Herlong bill is motivated by a desire to defend itself against the newly forming European steel cartels than I say they are building a weak defense. Enactment of such legislation would only lead to similar measures in Europe and the U.S. steel industry would be exactly in the same position as it is now. The most effective defense is an international agreement on dumping that would meet head on a predatory attack such as that which could be mounted by Eropean steel cartels without penalizing normal international competition.

In my estimation, and I am pleased to say in the estimation of a growing segment of the business community of the industrialized world and their governments, the best protection against predatory price discrimination and the unfair use of economic power to destroy international competition is the world-wide standardizaton of laws designed to bring such illegal practices to a halt. Once such standardization is achieved through an international agreement on antidumping, both our economy and the economies of others will be equitably protected to our mutual advantage.

My main objections to the Hartke-Herlong bill is that: (1) it would deprive the Bureau of Customs and the Treasury of the ability to do more than make a purely mechanical "less than fair value" determination; (2) it would virtually eliminate the Tariff Commission's discretion in the anti-dumping field; and (3) it would practically assure that each complaint would be followed by a "less than fair value" determination and most, if not all, such determination followed by a finding of injury.

The bill, if it became law in its present form, would become a major barrier against legitimate international trade in products competitive with U.S.-made products.

An international anti-dumping code, on the other hand, is desirable because (1) it would blunt the drive in many foreign countries for legislation such as the Hartke-Herlong bill and therefore would remove this potential hindrance to U.S. exports; (2) properly drawn, it would effectively protect American industry against predatory price discrimination and U.S. importers against unfair harassment; and (3) it would eliminate an important bone of contention at the current GATT negotiations and thereby contribute to their successful conclusion.

It would be premature for me to discuss in detail what I think should be included in an antidumping code. On September 12 the Trade Information Committee will begin hearings to examine the complex issues involved in an international agreement on anti-dumping. Expert testimony before these hearings will, I am sure, be very helpful in the construction of an international anti-dumping code, which will be fair to both the domestic industries of trading nations and to importers. At this point let me say only that such a code should, as a minimum, establish uniform definitions of dumping and injury, and uniform administrative practices for entering and prosecuting dumping claims by all the signatories. Such a code should use as a point of departure Article VI of GATT which sets forth the basic GATT rules on dumping and be administered under GATT auspices. Procedures should be established to deal with violators of the code both through the levying of dumping duties and through court sanctions.

I call attention to a valuable position paper issued by the International Chamber of Commerce this June in which they make 19 specific recommendations on the principles on which an international code of anti-dumping procedure should be based. Let me just cite three of them:

"1. Save in exceptional circumstances, anti-dumping procedures should only be initiated when domestic producers submit a complaint to the effect that imports at dumped prices are causing them *material* injury [my italics] * * *

"2. An application should only be accepted by the authority concerned when it is made by or on behalf of domestic producers whose total production of the like goods represents, both in value and volume, a *major* proportion of total domestic output of these goods. * * *

"5. Until such time as a final decision can be taken, no provisional measures should be applied unless they are essential in order to stop or prevent really serious injury, and then only for a limited period."

I urge the Federal Bar Association and Governor Herter's Office to take this report with the utmost seriousness, as it represents the collective judgement of a very knowledgeable segment of the industrialized world.

The question has been raised by the protectionist forces whether or not the President does in fact have any authority to conclude an international agreement on dumping. In my opinion the President does have such authority under Article II, Section 2 of the Constitution that puts him in charge of the conduct of U.S. foreign relations and his power is not derived from the Trade Expansion Act of 1962. However, I agree that, if such an international agreement is reached and it would result in amending the Anti-Dumping Act of 1921 the consent of Congress would have to be obtained and it would be free to accept or to reject any such amendment.

The question can be legitimately asked by those who are faced with stiff international competition "How do we defend ourselves?"

I submit that the lasting solution to import competition is to increase the efficiency and productivity of the American economy. It is the job of the Federal Government to encourage the growth of the more efficient and competitive elements of this economy through such measures as tax incentives, the reciprocal reduction of trade barriers, revision of antitrust laws, manpower training, aid to higher education, encouraging labor mobility, export promotion.

Much of our economy is highly competitive. A smaller segment is not able to compete against more efficient domestic or foreign competitors.

In the Trade Expansion Act of 1962 and in the U.S.-Canada Auto Agreement, Congress recognized the existence of national responsibility should injury to domestic workers or businesses result from tariff cuts, and authorize the President to provide adjustment assistance to those injured or a combination of Federal Assistance and tariff or quota relief.

Those, plus the national security exemption, are the means to use—not political protectionism by special discrimination in favor of one economic bloc or another.

The credibility of this country's professed support of trade liberalization is now being called into question at home and abroad. Should our principal allies become convinced that our support of this policy lacks a conviction, the current GATT negotiations, which have been organized at our own insistence, will fail.

In our rapidly changing world, where new currents of power—economic and political—are moving all around us, the path of the protectionist seems so easy and logical to some at home, but it is a terribly dangerous one. Only by harnessing those mighty new currents of power to the purposes of freedom, only by having the courage and foresight to meet them squarely in the great private enterprise tradition of our country, can we reach for the destiny of free men.

The United States, with the greatest economic power on earth, provides that best guarantee that freedom will prevail on this earth. The greatest catastrophe which could befall the world in terms of international trade, with incalculable effects on freedom everywhere, would be if we abdicated our position as the world's leader in increasing international trade and freeing it from barriers and restrictions by slipping into a protectionist policy of our own. It is to avoid such a catastrophe, with its inevitable destructive retaliation from our Nation's trading partners that has led me to oppose protectionist legislation in general and the Hartke-Herlong approach to anti-dumping in particular.

VIETNAM ELECTIONS—A VITAL FIRST STEP

Mr. JAVITS. Mr. President, yesterday's elections for a constituent assembly in South Vietnam could be the significant first step that we have all been waiting for, the first concrete sign that our joint efforts are paying off. The two key indicators of success were positive: there was a large voter turnout and there were hardly any charges of fraud. Present figures are that over 5 million South Vietnamese or almost three-quarters of the eligible voters cast their ballots.

We should be perfectly clear in our own minds, however, on the meaning of this success. It is not going to produce any new and miraculous harmony or a clearcut mandate. It was not a vote of confidence in any premier or political party. It is not even a definite sign that the South Vietnamese are going to clean their own house and begin to pursue the war against the Communists or their war against want in a more determined fashion.

The success of the elections proves one thing—control. And this is what was really to be tested in the first place. The impressive voter turnout demonstrates that the Saigon government actually controls and is administering the territory of a great majority of the people. The Communists, whatever they will now claim, were trying to sabotage the elections by frightening people away from the polls and candidates from running for office. A poor voter turnout would have indicated that the South Vietnamese people believed the Vietcong was more powerful than the Saigon government.

In the test of wills and strength, the Saigon government demonstrated it could deliver. The people felt safe enough with Saigon's protection to brave the Communist threats.

But the elections are only a beginning, and the task of constitutionmaking, with all the attendant political problems, lies ahead. It is very important that those chosen for this constitution-drafting responsibility concentrate on drafting the constitution and do not busy themselves by taking potshots at the present Government. Similiarly, the military junta should exercise restraint in allowing the duly elected delegates to write the constitution without military dictation.

Our job now is to convince the politicians and the military that they need each other. The military chain of command is the only structure that exists in South Vietnam that can implement decisions, and the various political groupings represent the only way decisions can be both made and accepted by the people.

COMMUNIST REPLIES TO SENATOR EASTLAND

Mr. EASTLAND. Mr. President, I ask unanimous consent to have printed in the RECORD a letter sent to the editor of the Jackson Daily News.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TOUGALOO RED HITS AT EASTLAND

In the July 21 edition of the Jackson Daily News I am mentioned by Senator JAMES EASTLAND as one of "11 known Communists" who "participated and influenced" the recent Meredith-Mississippi March ("EASTLAND Names Reds in March").

It is not my intention in this letter to deny EASTLAND'S "exposure", I am indeed a "known Communist"—a Marxist, a revolutionary socialist, an open advocate of the revolutionary overthrow of capitalism and its replacement with a world Socialist order . . . EASTLAND'S intrepid snoopers could have saved the taxpayers' money, for in my two years of civil rights activity in this state I have never attempted to hide my political convictions or my affiliations. Far from denying the charge, I am greatly honored to have been denounced on the Senate floor as an implacable foe of this most qualified representative of degenerate racism.

EASTLAND'S latest blast is a heartening sign to the Negro people and the poor people of the state, for it shows that the old plantation master from Sunflower County is trembling at the spectre of thousands of Mississippians rising up to smash his beloved system of racist oppression.

EASTLAND, who constantly talks of Mississippi's "excellent" race relations, has the tricky job of explaining the mass support of the Meredith-Mississippi March among the state's Negro population, culminating in an enthusiastic rally of some 20,000 at the Capitol in Jackson. The best he can come up with is a handful of alleged Communists who happened to be among the tremendous crowd.

Sorry Senator, but the thousands of Mississippi people moved to action in recent events in the state know they are not "infiltrated." This was the Mississippi peoples' work, "agitated" by you and your kind and the decadent system you so ably represent.

The Senator screams "Communists are staging a revolution in this country." Speaking from the Senator's home state, I say yes indeed Mr. EASTLAND, there is a revolution being staged here, and although "Communists" can hardly be credited with staging it, it is a revolution that deserves the partisan support of all those who work for a society free of racism, violence and exploitation of man by man.

There is a revolution afoot here to destroy the naked rule of the rich, which has made Mississippi the poorest state in the nation; to destroy the vile racism nurtured by EASTLAND and his ilk that blinds men to their common interests in struggle and has denied the most basic of human rights to vast numbers in this state; to destroy the attitude of subservience to a "law and order" designed to perpetuate a reactionary racist order, and to instill the revolutionary will to organize and fight among the oppressed masses of this state. There is a revolution afoot here, which will consign all the Eastlands and everything they represent to their long deserved place on the garbage heap of history.

EASTLAND sees the handwriting on the wall, and fights back with any weapon he can get his hands on; for he knows that a society free of racist oppression means the social, political and economic death of all the James Eastlands of the world.

As a "known Communist" I am proud to be a participant in this revolution that will someday forever silence the James Eastlands.

PHIL LAPSANSKY.

TOUGALOO, MISS.

ANDREW JACKSON, A NATIVE OF NORTH CAROLINA

Mr. ERVIN. Mr. President, on August 30, 1966, my good friend, Representative WILLIAM JENNINGS BRYAN DORN, of South Carolina, made a statement on the floor of the House to the effect that Andrew Jackson was born in South Carolina.

My good friend's action on that occasion calls to mind Horace's statement:

But as Homer, usually good, nods for a moment, I think it a shame.

It deeply grieves me that my good friend Representative DORN, whom I esteem to be one of America's most eloquent and wise statesmen, should have nodded on this occasion and fallen into such a sad historical error.

In the course of his remarks, Representative DORN urged Representative JONAS, who now represents the birthplace of Andrew Jackson in the House of Representatives, and me to weigh the so-called evidence which he presented in support of his claim that South Carolina rather than Union County, N.C., was the birthplace of Andrew Jackson.

Let me assure my good friend that I have weighed this evidence, and have found that none of it is credible and that all of it would be rejected by any court of law if it were offered to prove that Andrew Jackson was born in South Carolina rather than in Union County, N.C.

This is true because none of the persons whose alleged testimony was cited by my good friend were present at the

birth of Andrew Jackson, except Andrew Jackson himself, and Andrew Jackson was too young and too mentally immature at that time to have any personal recollection of the event.

It is to be noted that the chief documentary evidence cited by Representative DORN consisted of an excerpt from the Winyaw Intelligencer, which was published at Georgetown, S.C., on April 24, 1819, and which gave an account of a banquet honoring the visit to South Carolina of President James Monroe. Surely no impartial jury would give any credence whatever to this newspaper account of this banquet in passing upon the issue of the location of the birthplace of Andrew Jackson because the only reference to that event in the newspaper account is the 13th toast which was supposedly drunk by those present to "Major General Jackson—a son of South Carolina and worthy of her."

Since the proposer of this toast and the other revelers at the banquet had already drunk 12 toasts before they allegedly reached the 13th, it is altogether likely that both he and they were then in the state described as drunkenness by this little verse:

> Not drunk is he who from the floor
> Can rise again and drink once more.
> But drunk is he who prostrate lies,
> And can neither drink nor rise.

It is really very doubtful whether those present at this banquet were even capable of drinking the 13th toast which proclaimed the historical error that Andrew Jackson was the son of South Carolina rather than the son of Union County, N.C. I am certain that any impartial jury would draw this conclusion no matter how great the imbibing capacity of South Carolinians may have been in the year 1819.

To be sure, Andrew Jackson did say on several occasions that he was born in South Carolina. As I have pointed out, he had no personal recollection whatsoever of his birth and for that reason was not a credible witness to testify to it. All of the other so-called witnesses summoned by Representative DORN merely emulated the examples of parrots and repeated Andrew Jackson's incorrect statement.

The PRESIDING OFFICER (Mr. BASS in the chair). The Chair, representing the chosen State of Andrew Jackson, is reluctant to advise the Senator that his time has expired.

Mr. ERVIN. Mr. President, I ask the Chair with great enthusiasm that by unanimous consent I may be allowed to complete this statement, which should not take more than 4 minutes.

The PRESIDING OFFICER. The Chair generously gives that consent, without objection.

Mr. ERVIN. Mr. President, two alternative theories may be advanced as to why Andrew Jackson stated he was born in South Carolina rather than in Union County, N.C.

The first is that Andrew Jackson was a politician who was always hankering after votes, and for this reason he claimed to have been born in South Carolina in order to obtain the uncertain and wavering votes of South Carolinians, including those who favored nullification of the tariff laws enacted during his tenure as President. He was well acquainted with the character of North Carolinians and knew that he did not have to resort to political cajolery to obtain their suffrage.

This first theory finds support in a statement made by Andrew Jackson himself to a boyhood companion in the days of his youth before he became a chronic politician. James Faulkner declared that on one occasion while he was "sleeping with Andrew Jackson in the McKemey house," which was undoubtedly located in North Carolina, "Andrew told him that he was born in that house"—see Parton's "Life of Andrew Jackson," volume I, page 55.

The other theory offered in explanation of Andrew Jackson's incorrect statement that he was born in South Carolina was advanced by his greatest and most truthful biographer, James Parton, who wrote the first authoritative life of Andrew Jackson.

James Parton stated on page 52 of volume I of this three volume "Life of Andrew Jackson," which was published in 1861, that General Jackson sincerely supposed himself to be a native of South Carolina. I quote what Parton says on this subject:

> General Jackson always supposed himself to be a native of South Carolina. "Fellow-citizens of my native State," he exclaims, in the close of his proclamation to the nullifiers of South Carolina; but it is as certain as any fact of the kind can be that he was mistaken.

If North Carolina and South Carolina should join issue in a court of law upon the question whether Andrew Jackson was born in South Carolina or in North Carolina, the court would reject as incompetent all of the evidence offered by Representative DORN and receive as absolute truth the testimony of three witnesses who were present at his birth, these three witnesses being Mrs. Sarah Leslie, an aunt of Andrew Jackson, Mrs. Sarah Lathen, a first cousin of Andrew Jackson, and Mrs. Molly Cousar, a neighbor of George McKemey, who stated with absolute positiveness to many neighbors that Andrew Jackson was born at the home of his mother's sister, Mrs. George McKemey, which was located in what is now Union County, N.C.

In chapter 3, of volume I of his "Life of Andrew Jackson," James Parton reviewed the testimony on this score and announced as his conclusion that "this testimony leaves no reasonable doubt that the birth took place at the home of McKemey." He added that the spot where the home of McKemey stood was "as well known to the people of the neighborhood as the City Hall is to the inhabitants of New York," and that the McKemey home was located in what is now Union County, N.C.

It is to be noted that James Parton was a most reliable historian who visited the site of the McKemey home and conversed with numerous people residing in that neighborhood instead of relying upon the unsupported and incorrect statement of Andrew Jackson himself.

Mr. President, for the edification of my good friend, the distinguished Representative from South Carolina and that of all other persons who may be ignorant of the truth that Andrew Jackson was born in what is now Union County, N.C., I ask unanimous consent that chapter 3 of James Parton's "Life of Andrew Jackson" be printed at this point in the body of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIFE OF ANDREW JACKSON

CHAPTER III

The emigrants

In 1765, Andrew Jackson the elder, with his wife and two sons, emigrated to America. He was accompanied by three of his neighbors, James, Robert, and Joseph Crawford, the first-named of whom was his brother-in-law. The peace between France and England, signed two years before, which ended the "old French war"—the war in which Braddock was defeated and Canada won—had restored to mankind their highway, the ocean, and given an impulse to emigration from the old world to the new. From the north of Ireland large numbers sailed away to the land of promise. Five sisters of Mrs. Jackson had gone, or were soon going. Samuel Jackson, a brother of Andrew, afterwards went, and established himself in Philadelphia, where he long lived, a respectable citizen. Mrs. Suffren, a daughter of another brother, followed in later years, and settled in New York, where she has living descendants.*

When Andrew Jackson emigrated, George III, had reigned five years. America was resisting the Stamp Act, which was repealed a year later when Chatham came into power, and Franklin had borne his testimony against it at the bar of the House of Commons. Frederic II. was beginning to be "called the Great," and the death of Pompadour had just left the throne of France vacant. Washington was learning how to govern himself and his country in the school in which genuine statesmanship is learned—the management of a private estate.

Andrew Jackson was a poor man, and his wife, Elizabeth Hutchinson, was a poor man's daughter. The tradition is clear and credible among the numerous descendants of Mrs Jackson's sisters, that their lot in Ireland was a hard one. They were weavers of linen the price of which fluctuated in the early days of its manufacture more injuriously than it now does. The grandchildren of the Hutchinson sisters remember hearing their mothers often say, that in Ireland some of these girls were compelled to labor half the night, and sometimes all night, in order to produce the requisite quantity of linen. Linen-weaving was their employment both before and after marriage; the men of the families tilling small farms at high rents, and the women toiling at the loom. The members of this circle were not all equally poor. There is reason to believe that some of them brought to America sums of money which were considerable for that day, and sufficient to enable them to buy Negroes as well as lands in the southern wilderness. But all accounts concur in this: that Andrew Jackson was very poor, both in Ireland and in America. Besides this, tradition has nothing of importance to communicate respecting him, except that he and his wife were Presbyterians, as their fathers were before them. The Hutchinson sisters, however, are remembered as among the most thrifty, industrious and capable of a race remarkable for those qualities. There is a

* Kendall's Life of Jackson.

smack of the North-Irish brogue still to be observed in the speech of their grandchildren and great-grandchildren. "He went *till* Charleston," and "there never was seen the *like* of him for mischief" are specimens of their talk. General Jackson himself, to a very nice ear, occasionally betrayed his lineage by the slightest possible twang of Scotch-Irish pronunciation.

I may as well remark here as anywhere, that the features and shape of head of General Jackson, which ten thousand signboards have made familiar to the people of the United States, are common in North Carolina and Tennessee. In the course of a two months' tour in those States among the people of Scotch-Irish descent, I saw more than twenty wellmarked specimens of the long, slender, Jacksonian head, with the bushy, bristling hair, and the well-known features. There is a member of the North Carolina Legislature, and a judge in Tennessee, so strongly resembling General Jackson, that it could scarcely fail to be remarked in any company where they were, if the name of Jackson should be mentioned. The venerable Dr. Felix Robertson, of Nashville, the first man born in that part of the Cumberland valley, who is still living to wonder at what two generations of men have wrought in that garden of the South-west, has often been accosted in the street as General Jackson, though he is not so much like the General as many other gentlemen whom I have seen. In Carrickfergus, there are probably many Jacksons walking about the streets unrecognized; the type being evidently one from which nature has been in the habit of taking impressions for many generations. I think it probable, for the same reason, that Andrew Jackson the elder strongly resembled his son in form and feature. The General's mother, moreover, according to tradition, was a "stout woman," and among the numerous descendants of her sisters there is no likeness to General Jackson to be observed.

The party of emigrants from Carrickfergus landed at Charleston, and proceeded, without delay, to the Waxhaw settlement, a hundred and sixty miles to the north-west of Charleston, where many of their kindred and countrymen were already established. This settlement was, or had been, the seat of the Waxhaw tribe of Indians. It is the region watered by the Catawba river, since pleasantly famous for its grapes. A branch of the Catawba, called the Waxhaw Creek, a small and not ornamental stream, much choked with logs and overgrowth to this day, runs through it, fertilizing a considerable extent of bottom land. It is a pleasant enough undulating region, an oasis of fertility in a waste of pine woods; much "worn" now by incessant cotton-raising, but showing still some fine and profitable plantations. The word Waxhaw, be it observed, has no geographical or political meaning. The settlement so called was partly in North Carolina and partly in South Carolina. Many of the settlers, probably, scarcely knew in which of the two provinces they lived, nor cared to know. At this day, the name Waxhaw has vanished from the map and gazetteers, but in the country round about the old settlement, the lands along the creek are still called "the Waxhaws."

Another proof of the poverty of Andrew Jackson is this: the Crawfords, who came with him from Ireland, bought lands near the center of the settlement, on the Waxhaw Creek itself, lands which still attest the wisdom of their choice; but Jackson settled seven miles away, on new land, on the banks of Twelve Mile Creek, another branch of the Catawba. The place is now known as "Pleasant Grove Camp Ground," and the particular land once occupied by the father of General Jackson is still pointed out by the old people of the neighborhood. How large the tract was, I have not been able to ascertain; as, since that day, there have been so many changes in the counties of that part of North Carolina, that a search for an old land-title is attended with peculiar difficulty. The best information now attainable confirms the tradition which prevails in the Waxhaw country, that Andrew Jackson, the elder, never *owned* in America one acre of land. General S. H. Walkup, of Union county, a distinguished member of the Senate of North Carolina, a lawyer in the region where he has lived from his birth, has made this matter a subject of special and laborious investigation. "I have examined," he writes to me, "the offices of the Register of Deeds at Wadesborough in Anson county, and Charlotte in Mecklenburg county, North Carolina, to find out whether General Jackson's father ever owned any land, and I have also examined the old papers of the tract on which he once lived. But I cannot find that he ever owned any land. No evidence of any title in him can be found. My own opinion is, that he never did own any land, and it is well known that he was extremely poor; and therefore it was that after his death his widow removed to Waxhaw Creek among her relatives." On Twelve Mile Creek, however, Andrew Jackson planted himself, with his family, and began to hew out of the wilderness a farm and a home. The land is in what is now called Union county, North Carolina, a few miles from Monroe, the county seat. The county was named Union, a few years ago, in honor of the Union's indomitable defender, and in rebuke of neighboring nullifiers. It was proposed to call the county Jackson, but Union was thought a worthier compliment; particularly as the patriotic little county juts into South Carolina.

For two years Andrew Jackson and his family toiled in the Carolina woods. He had built his log-house, cleared some fields, and raised a crop. Then, the father of the family, his work all incomplete, sickened and died: his two boys being still very young, and his wife far advanced in pregnancy. This was early in the spring of 1767.

In a rude farm-wagon the corpse, accompanied, as it seems, in the same vehicle by all the little family, was conveyed to the old Waxhaw church-yard, and interred. No stone marks the spot beneath which the bones have moldered; but tradition points it out. In that ancient place of burial, families sleep together, and the place where Andrew Jackson lies is known by the grave-stones which record the names of his wife's relations, the Crawfords, the McKemeys and others.

A strange and lonely place is that old grave-yard to this day. A little church (the third that has stood near that spot) having nothing whatever of the ecclesiastical in its appearance, resembling rather a neat farm-house, stands, not in the church-yard, but a short distance from it. Huge trees, with smaller pines among them, rise singly and in clumps, as they were originally left by those who first subdued the wilderness there. Great roots of trees roughen the red clay roads. The church is not now used, because of some schism respecting psalmody and close communion; and the interior; unpainted, unceiled, and uncushioned, with straight-backed pews, and rough Sunday-school benches, looks grimly wooden and desolate as the traveler removes the chip that keeps the door from blowing open, and peeps in. Old as the settlement is, the country is but thinly inhabited, and the few houses near look like those of a just-peopled country in the northern States. Miles and miles and miles, you may ride in the pine woods and "old fields" of that country, without meeting a vehicle or seeing a living creature. So that when the stranger stands in that church-yard among the old graves, though there is a house or two not far off, but not in sight, he has the feeling of one who comes upon the ancient burial-place of a race extinct. Rude old stones are there that were placed over graves when as yet a stone-cutter was not in the province; stones upon which coats-of-arms were once engraved, still partly decipherable; stones which are modern compared with these, yet record the exploits of revolutionary soldiers; stones so old that every trace of inscription is lost, and stones as new as the new year. The inscriptions on the grave-stones are unusually simple and direct, and free from sniveling and cant. A large number of them end with Pope's line (incorrectly quoted) which declares an honest man to be the noblest work of God. One of the inscriptions, the longest of them all, I copied, because it seemed a good illustration of the character of this virtuous, but consciously-virtuous race. The history thus bluntly recorded was that of many who lie in old Waxhaw church-yard, and the character portrayed is Jacksonian:

"Here lies the body of Mr. William Blair, who departed this life in the 64th year of his age, on the 2d of July, A.D. 1821, at 9 P.M. He was born in the county of Antrim, Ireland, on the 24th of March, 1759. When about thirteen years old, he came with his father to this country, where he resided till his death.

"Immediately on his left are deposited the earthly remains of his only wife, Sarah, whose death preceded his but a few years.

"He was a revolutionary patriot, and in the humble station of private soldier and wagon-master, he contributed more to the establishment of American independence than many whose names are proudly emblazoned on the page of history.

"With his father's wagon he assisted in transporting the baggage of the American army for several months. He was in the battles of the Hanging Rock, the Eutaw, Ratliff's Bridge, and the Fish Dam Ford on Broad River. In one of these battles (it is not recollected which) he received a slight wound, but so far was he from regarding it, either then or afterwards, that when it was intimated to him that he might avail himself of the bounty of his country, and draw a pension (as many of his camp associates had done) he declared, that if the small competence he then possessed failed him, he was able and willing to work for his living, and, if it became necessary, to fight for his country without a penny of pay.

"In the language of Pope, 'The noblest work of God is an honest man.'

"No further seeks his merits to disclose,
Or draw his frailties from their dread abode.
There they alike in trembling hope repose,
The bosom of his father and his God."

The bereaved family of the Jacksons never returned to their home on the banks of Twelve Mile Creek, but went from the church-yard to the house, not far off, of one of Mrs. Jackson's brothers-in-law, George McKemey by name, whose remains now repose in the same old burying-ground. A few nights after, Mrs. Jackson was seized with the pains of labor. There was a swift sending of messengers to the neighbors, and a hurrying across the fields of friendly women; and before the sun rose, a son was born, the son whose career and fortunes we have undertaken to relate. It was in a small log house, in the province of North Carolina, less than a quarter of a mile from the boundary line between North and South Carolina, that the birth took place.

Andrew Jackson, then, was born in Union County, North Carolina, on the 15th of March, 1767.

General Jackson always supposed himself to be a native of South Carolina. "Fellow-citizens of my *native* State!" he exclaims, at the close of his proclamation to the nullifiers of South Carolina; but it is as certain as any fact of the kind can be that he was mistaken.

The point is one of small importance, but as it may be questioned, and as the people of the Carolinas have shown much interest in it, I will give the briefest possible summary of the evidence* which fixes the birth of General Jackson in North Carolina. The evidence was collected and drawn up in convincing array by General S. H. Walkup, a most worthy gentleman. Born and brought up in the neighborhood, General Walkup was aided in his inquiries by a perfect knowledge of the country and of the unimpeachable character of his witnesses. I went afterward myself over the same ground, and heard the same story from many of the same persons; but the whole credit of setting this matter right belongs to the honorable and patriotic gentleman just named.

First, let us establish the fact that the birth took place at the house of George McKemey.†

Benjamin Massey, an old resident of the vicinity (as are, or were, the other testifiers), gives his recollections of what he heard Mrs. Lathen, who was present at the birth, say on the subject. Mrs. Lathen said

"That she was about seven years older than Andrew Jackson; that when the father of Andrew Jackson died, Mrs. Jackson left home and came to her brother-in-law's, Mr. McCamie's, previous to the birth of Andrew; after living at Mr. McCamie's awhile, Andrew was born, and she was present at his birth; as soon as Mrs. Jackson was restored to health and strength she came to Mr. James Crawford's, in South Carolina, and there remained."

John Carnes says:—

"Mrs. Leslie, the aunt of General Jackson, has often told me that General Jackson was born at George McCamie's, in North Carolina, and that his mother, soon after his birth, moved over to James Crawford's, in South Carolina; and I think she told me she was present at his birth; but at any rate, she knew well he was born at McCamie's."

James Faulkner, second cousin of General Jackson, states:

"That old Mr. Jackson died before the birth of his son, General Jackson, and that his widow, Mrs. Jackson, was quite poor, and moved from her residence on Twelve Mile Creek, North Carolina, to live with her relations on Waxhaw Creek, and while on her way there, she stopped with her sister, Mrs. McCamie, in North Carolina, and was there delivered of Andrew, afterward President of the United States; that he learned this from various old persons, and particularly heard his aunt, Sarah Lathen, often speak of it and assert that she was present at his, Jackson's, birth; that she said her mother, Mrs. Leslie, was sent for on that occasion, and took her, Mrs. Lathen, then a small girl about seven years of age, with her, and that she recollected well of going the near way through the fields to get there; and that afterward, when Mrs. Jackson became able to travel, she continued her trip to Mrs. Crawford's, and took her son Andrew with her, and there remained."

John Lathen, second cousin of General Jackson, says:—

"The following is about what I have heard my mother, Sarah Lathen, say in frequent conversation about the birth-place of Andrew Jackson, President of the United States. She has often remarked that Andrew Jackson was born at the house of George McCamie, and that she, Mrs. Lathen, was present at his birth. She stated that the father of Andrew Jackson, viz., Andrew Jackson, Sr., lived and died on Twelve Mile Creek in Mecklenburg county, North Carolina, and that soon after his death, Mrs. Jackson left Twelve Mile Creek, North Carolina, to go to live with Mr. Crawford, in Lancaster district, South Carolina. That on her way, she called at the house of George McCamie, who had married a sister of hers, Mrs. Jackson, and while at McCamie's, she was taken sick, and sent for Mrs. Sarah Leslie, her sister, and the mother of Mrs. Sarah Lathen, who was a midwife, and who lived near McCamie's. That she, Mrs. Lathen, accompanied her mother, Mrs. Sarah Leslie, to George McCamie's; that she was a young girl, and recollects going with her mother; they walked through the fields in the night, and that she was present when Andrew Jackson was born. That as soon as Mrs. Jackson got able to travel after the birth of Andrew she went on to Mr. Crawford's, where she afterward lived."

Thomas Faulkner, second cousin of General Jackson, says:—

"My recollection of what Mrs. Sarah Lathen said of the birth-place of Andrew Jackson, President of the United States, was about this: I have often heard her say that Mrs. Betty Jackson, the mother of Andrew Jackson, 'was taken sick at the house of George McCamie, and sent for Mrs. Sarah Leslie at the time when she was delivered of Andrew Jackson, and that she, Mrs. Leslie, took her daughter, Mrs. Lathen, with her on the night of Jackson's birth; and that they walked through the fields, the near way, from Mrs. Lesile's to George McCamie's.' I have often heard my grandmother, Sarah Leslie, say 'that she was sent for on the night of the birth of Andrew Jackson by her sister, Mrs. Betty Jackson, who was taken sick at the house of her brother-in-law, George McCamie, and that she took her daughter, Sarah Lathen, then a small girl, with her; that they walked the near way, through the fields, to McCamie's, and that she was present when Andrew Jackson was born at the house of said George McCamie.' These women were both of sound minds and excellent memories and characters up to the time of their deaths. Mrs. Lesile died about fifty years ago, and Mrs. Lathen died thirty-five years ago. I am now seventy years of age, and reside now, where I have ever since my birth, in Lancaster district, South Carolina, near Craigsville post office, and about two miles from the old Waxhaw church."

To the same effect testify Samuel McWhorter, Jane Wilson and others.

James D. Craig, formerly a resident of Waxhaw, now of the State of Mississippi, states that he remembers hearing old James Faulkner say that once while sleeping with Andrew Jackson at the McKemey house, Andrew told him that he was born in that house. Mr. Craig further says that he has heard Mrs. Cousar, a very aged lady, long a near neighbor of McKemey, say that she remembered perfectly the night of Andrew Jackson's birth, as she was sent for to assist, and reached the McKemey house before the infant was dressed. Mr. Craig has also heard Charles Findly, deceased, say that he "assisted in hauling" the corpse of Andrew Jackson from his house on Twelve Mile Creek to the Waxhaw churchyard, and in interring it there; that he brought Mrs. Jackson and her boys with the corpse, and, after the funeral, conveyed them to the residence of George McKemey, where, soon after, Andrew was born.

This testimony leaves no reasonable doubt that the birth took place at the house of McKemey. Nor is there the least difficulty in finding the precise spot where that house stood. The spot is as well known to the people of the neighborhood as the City Hall is to inhabitants of New York. The testimony of the late Thomas Cureton, Esq., never the owner of the place, but brother of its former proprietor, will suffice to satisfy the reader on this point:

"I, Thomas Cureton, senior, being about seventy-five years of age, do hereby certify that my father, James Cureton, came to this Waxhaw Settlement from Roanoke River, in North Carolina, about seventy-three years ago, as I am informed and believe, when I was about one year old; and my brother, Jeremiah Cureton, who was about twenty years older than myself, came with him. My brother, Jeremiah Cureton, bought the George McCamie place some time after he came to this county, in about 1796, and settled down on the same place and in the same house where George McCamie lived. He remained there a few years, and until he bought the place where William J. Cureton now lives. I know the George McCamie place well. It lies in North Carolina, about a quarter of a mile east of the public road leading from Lancaster Court House, South Carolina, to Charlotte, North Carolina, and to the right of said road as you travel north; and lies a little east of south from Cureton's Pond on said public road, and a little over a quarter of a mile from said pond. My brother, Jeremiah Cureton, always called that the McCamie house, and the McCamie place. My brother, Jeremiah Cureton, was of the opinion, from information derived from old Mrs. Molly Cousar, the mother of Richard Cousar, that Andrew Jackson, President of the United States, was born at the George McCamie place as above described. Mrs. Cousar was a neighbor, and lived then, at the time of the birth of General Andrew Jackson, and until her death, in South Carolina, about one mile west from the George McCamie house, and was a very old women when she died, which was about thirty-five years ago. She was a woman of undoubted good moral character, and her veracity was unquestionable. The Leslie houses lay about half a mile in a southern direction from the McCamie house, and north of Waxhaw Creek, and east of the public road. I have lived for the last seventy-two or three years within three or four miles of the McCamie place."

To this add the following from William J. Cureton, Esq., the present hospitable proprietor of the place:—

"This McCamie house lies about half a mile south-east of where I now live, and is in Union county, North Carolina, formerly called Mecklenburg county, North Carolina, and is a little over a quarter of a mile south-east of what is called Cureton's Pond, and about a quarter of a mile east of the State line, and the public road leading from Lancaster Court House, South Carolina, to Charlotte, North Carolina, and about one and a half miles north of Waxhaw Creek. I have the old land papers for said tract, which was patented to John McCane, 1761, upon a survey dated 8th September, 1757; conveyed by McCane to Repentance Townsend, 10th April, 1761, and by Townsend to George McCamie, 3d January, 1766; and by George McCamie to Thomas Crawford, 1792; and from Crawford and wife, Elizabeth, to my father, 23d July, 1796; and by my father to myself, and which I still own. My father came from Virginia with my grandfather, James Cureton, to Roanoke, North Carolina, and from there to Waxhaws, South Carolina, and purchased the McCamie place, where he lived a few years, and then removed to the place where I now reside in Lancaster district, South Carolina, where he remained until his death in 1847; being then eighty-four years of age."

And so we dismiss this unimportant but not wholly uninteresting matter.

In a large field, near the edge of a wide, shallow ravine, on the plantation of Mr. W. J. Cureton, there is to be seen a great clump, or natural summer-house, of Catawba grape vines. Some remains of old fruit trees near by, and a spring a little way down the ravine, indicate that a human habitation once stood near this spot. It is a still and solitary place, away from the road, in a red, level region, where the young pines are in haste

*Published, in part, in the *North Carolina Argus* of September 23d, 1858, and the rest deposited in the Historical Society of North Carolina.

†This name is spelt in various ways in the depositions. I follow the spelling of his tombstone in Waxhaw church-yard.

to cover the well-worn cotton fields, and man seems half inclined to *let* them do it, and move to Texas. Upon looking under the masses of grape vine, a heap of large stones showing traces of fire is discovered. These stones once formed the chimney and fireplace of the log-house wherein George McKemey lived and Andrew Jackson was born. On that old yellow hearth-stone, Mrs. Jackson lulled her infant to sleep, and brooded over her sad bereavement, and thought anxiously respecting the future of her fatherless boys. Sacred spot! not so much because there a hero was born, as because there a noble mother suffered, sorrowed and accepted her new lot, and bravely bent herself to her more than doubled weight of care and toil.

Mrs. Jackson remained at this house three weeks. Then, leaving her eldest son behind to aid her brother-in-law on his farm, she removed, with her second son and the newborn infant, to the residence of another brother-in-law, Mr. Crawford, with whom she had crossed the ocean, and who then lived two miles distant. Mrs. Crawford was an invalid, and Mrs. Jackson was permanently established in the family as housekeeper and poor relation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. WILLIAMS of New Jersey. I am not an historian but I thought that one of the Governors of either North Carolina or South Carolina said to the other Governor, "It is a long time between drinks." Is that correct?

Mr. ERVIN. The Senator is correct, but I would say that it was not a long time between drinks at the banquet, which was held in South Carolina in 1819.

Mr. WILLIAMS of New Jersey. That is my point. The Senator is not basing his entire case on the fact that there were 13 toasts in a short period.

Mr. ERVIN. I am not basing my entire case on that. I am basing my case on the testimony of the three witnesses who were present at the birth of Andrew Jackson. They stated that Andrew Jackson was born at the home of George McKemey, his uncle by marriage, in Union County, N.C.

Mr. WILLIAMS of New Jersey. Rather than Andrew Jackson himself.

Mr. ERVIN. I am showing how unworthy of belief is the testimony filed in support of the erroneous claim that Andrew Jackson was a native of South Carolina, rather than a native of Union County, N.C.

Mr. WILLIAMS of New Jersey. My distinguished colleague, a renowned and able jurist, has convinced me. If we were to have a vote, I would vote with the Senator from North Carolina.

Mr. ERVIN. I thank the Senator.

THE PROSPECTIVE DANGER OF INCREASED WHEAT PRODUCTION

Mr. CARLSON. Mr. President, the Kansas Farmers Union at a special convention in Salina, Kans., on August 23, discussed at length the present farm situation.

One of the problems confronting the wheat producers of our Nation is the prospective danger of increased production that will again build surpluses that will affect the future price of wheat.

There is practically no Government lid on the 1967 wheat acreage, as the use of allotment acres has been increased to 32.25 percent over the acreage that was in effect in the 1966 program.

In May 7.7 million acres over the 1966 allotment were added by the 15 percent increase and the last acreage increase of 15 percent added another 8.9 million acres.

Our wheat surplus has been substantially reduced and present indications are we will have a carryover of between 300 and 400 million bushels on July 1, 1967. It is my personal opinion that our reserve stock or carryover should not go below 600 million bushels.

There is no doubt that we need additional production if we are to maintain a surplus that will assure our consumers of a dependable and adequate supply of food and also produce sufficient quantities of wheat to maintain our position in the world wheat market.

The recent increase in the price of wheat is wholly justified and is a necessary incentive to produce the wheat that this country needs. Certainly, no Federal action should be taken that will in any way impair or endanger the farmer's income through increased production that will substantially reduce the price of wheat.

At the present time there is much concern about the rising cost of living and the inflationary pressures on all prices; however, the farmer also suffers from increased costs and inflation.

Reuben Johnson, testifying for the National Farmers Union gave the House Subcommittee on Agriculture a good look at the increased cost of farming, noting that since 1947 to 1949, interest to the farmer is up 436.7 percent, taxes are up 202.2 percent, wage rates are up 71.6 percent, motor supplies are up 25.7 percent, motor vehicles are up 62.8 percent and farm machinery is up 80.7 percent.

Under the present farm program, the only real price protection farmers will have is the announced price support of $1.25 a bushel and wheat certificate payments.

Through the wheat certificate payments, the producers are guaranteed 100 percent of parity for that portion of their wheat consumed in the United States. Parity for wheat has been increasing year after year because of rising production costs and this indicates that there should be some increase in certificate payments in the future.

Our farmers are entitled to their fair share of the national income and are asking no more.

I ask unanimous consent to have the proposals adopted by the Kansas Farmers Union at its Special Convention on August 23 printed in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

THE KANSAS FARMERS UNION MEETING IN SPECIAL CONVENTION AT SALINA, KANS., ON AUGUST 23, 1966, SUPPORTS PROPOSALS

1. The additional wheat acreage allotment in the amount of 15% is not an answer to wheat producers' income problem. Wheat producers have worked diligently and cooperated well with farm programs to bring wheat supplies downward in line with demand.

Additional wheat production for use in our foreign policy has our support, but the additional production could very well be used to put a ceiling on all wheat prices, both domestic and export. We believe the time is now here when full parity for farmers should be implemented as a National policy. "We recommend that a 25¢ certificate be inaugerated within the next few weeks on 65% of the projected yield, commonly referred to as the export portion of wheat production and further efforts then be inaugurated to reach full parity on the 1967 crop".

Food is now an accepted weapon of peace in our Foreign affairs "Kit of Tools" and unless farmers receive full parity for their production, both domestic and export, agriculture and wheat producers in particular will be bearing a major share of the burden of our foreign policy through the method of less than parity prices. This is a sharp departure from our established National policy that foreign policy should be a cost of all the people and that groups who sell non-agricultural items to the Government or directly to other countries are not expected to do it at cut rates prices. We urge this action and believe it can be implemented by the use of certificates and legislation which would forbid the release of grain by the government at less than full parity.

2. Food is becoming of greater importance each day. Farmers raise food. If the nation is to obtain increased production, the Draft Status for farm boys and farm workers must be reviewed. We ask that agriculture be placed on the essential list by the Selective Service before too great a number of experienced farm help is drafted or enlist because of draft classification pressure. We support a complete review and overhaul of our Selective Service System.

3. Kansas Farmers Union recommends an increase in farm storage grain rates paid by the government to encourage orderly marketing of grain and wheat in particular beginning at the farm level.

4. Kansas Farmers Union urges in light of the recent rise in food prices an investigation of food processing costs by a joint committee of members of congress and working farmers.

5. We urge continuation of production controls acreage allotments, etc., so we do not find ourselves in the same conditions we experienced only a few short years ago of too much production causing low prices.

DR. WILLIAM C. MENNINGER

Mr. McGOVERN. Mr. President, the United States and the world have lost one of the most distinguished men of our time in the passing of Dr. William C. Menninger.

This world-renowned psychiatrist and president of the Menninger Foundation of Topeka, Kans., has enriched all of us by his life and his understanding of the human mind.

I ask unanimous consent that an article reporting his death and the highlights of his life, which appeared in the New York Times of September 8, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 8, 1966]

DR. WILLIAM C. MENNINGER, PSYCHIATRIST, IS DEAD

TOPEKA, KANS., September 6.—Dr. William C. Menninger, world-famous psychiatrist and president of the Menninger Foundation here, died Tuesday evening in his home. He was 66 years old.

Dr. Menninger succumbed to lymphoma, a form of malignancy of the lymph nodes.

He had headed the psychiatric treatment, training and research center since 1957. His brother, Dr. Karl Menninger, chief of staff of the foundation, also is among the best-known psychiatrists in the world.

All three of Dr. William Menninger's sons are associated with the foundation, two as psychiatrists and one in administrative work. They are Dr. Roy W. Menninger, Dr. W. Walter Menninger and Philip B. Menninger. His wife, Catherine, also worked closely with him.

EARNEST PRACTITIONER

Dr. Will, to distinguish him from his older brother, Dr. Karl, was one of psychiatry's most earnest practitioners and most energetic salesmen.

Dr. Karl, author of "The Human Mind," "Man Against Himself" and "Love Against Hate," was the philosopher who made penetrating generalizations on psychiatry. He felt, for example—and his brother agreed—that every psychiatrist should himself have had some kind of psychological distress in order for him to understand his patients' troubles.

Dr. Will's full name was William Claire Menninger (with a hard g), and if he had any psychological problems it may have been because his middle name derived from the fact that his parents had hoped for a girl and had planned to call her Clara.

An outspoken advocate of expanded mental health treatment, Dr. Will had advanced his ideas in appearances before the legislatures of 27 states. He had much to overcome in this area, because of the widespread notion that psychiatry was either hilariously funny or sacrilegious and maybe even subversive.

Dr. Will played a leading role in promoting the Menninger Clinic, which his brother and their father, Dr. Charles Frederick (Dr. C. F.), had founded in 1919 in so unlikely a place as Topeka. That city, in what can be truly termed the heartland of the United States, became a world center of psychiatry. A generation ago it was said to be the only city in the country where psychiatrists outnumbered all other kinds of doctors.

At the time it was noted that the clinic was the largest training center for psychiatrists in the world and that 15 per cent of all psychiatrists being trained in the United States studied there.

Until the Menningers established their clinic few places in the entire country could have appeared to be less hospitable to the teachings of a Viennese neurologist named Sigmund Freud, who today is universally regarded as the father of modern psychiatry.

Freud believed, in effect, that most personality disorders were caused by conscious or unconscious conflicts between selfish desires, what society demanded and what the individual thought was right, and that at the bottom of it all were basic sexual drives.

Dr. Will, who in 1926 joined with his brother and father in moving the Menninger Clinic to a farm on the outskirts of Topeka, where a sanitarium was built for specialization in psychiatry, had a simple illustration of the conscious versus unconscious conflict.

ILLUSTRATED CONCEPT

The mind, he held, was something like two clowns cavorting in a horse's costume. The man up front (the conscious part of the mind) tries to determine the direction and make the whole animal behave. But he can never be sure what the man at the rear (the unconscious) is going to do next.

If both ends of the horse are going in the same direction (it was explained in an analogy published some years ago), the individual's mental health was all right. If they were not pulling together, there was likely to be trouble.

Dr. Menninger described himself as a "psychodynamic psychiatrist." He explained: "The distinction between Freudian psychiatrists and non-Freudians is becoming infinitesimal. Dynamic psychiatry is being accepted more and more widely. In other words, people are beginning to see that damage of the same kind can be done by a bullet, bacteria or a mother-in-law."

He believed strongly in research, but he also felt that cure was more important than 100 per cent accurate diagnosis. He once put it this way: "One does not have to know the cause of a fire to put it out."

As one who was known as psychiatry's sales manager in the United States, Dr. Menninger was well aware that any new branch of science was apt to get rough treatment from the public until its ideas had been well tested.

In his own appearance, he presented a convincing example of psychiatry as an "acceptable" field of medicine, despite the frequently outlandish notions popularly held about it.

MODEST ABOUT HONORS

He was a native of Topeka. A big man—he stood 6 feet 1 inch tall—he had the reputation of being a friendly "nice guy."

He had been president of the American Psychiatric Association and the American Psychoanalytic Association. During World War II he was a brigadier general in charge of psychiatry for the Army and received the Distinguished Service Medal and the French Legion of Honor.

Despite these and other honors, he was modest about his distinguished position in his profession, and would explain his having been chosen for a post by saying: "They shoved me up there."

Dr. Menninger received his medical degree from the Cornell University Medical School in 1924 and then served an internship in Bellevue Hospital before joining his father and brother at the clinic at Topeka.

He became medical director of the Menninger Foundation Psychiatric Hospital in 1930 and was named president in 1957. In 1941, the Menninger brothers agreed that the need for trained personnel and research should have priority over private practice. This led to the establishment of the foundation's educational operation for different types of workers in mental health.

Dr. Menninger's published works include "Psychiatry in a Troubled World," "You and Psychiatry," "Psychiatry: Its Evolution and Present Status," "Understanding Yourself" and "Enjoying Leisure Time."

Dr. Menninger once summed up his attitude toward psychiatry and mental illness this way:

"The problem is to convince people that emotional disturbances do exist, that they are a kind of sickness and that they can be helped by psychiatry. Too often, people can't understand the nature of their problem.

"They grow discontented, apathetic, depressed; they blame somebody in Washington, or they get angry at other people. It never occurs to them they have an emotional disease."

And on counseling how the individual in the modern world could improve his state of mind, Dr. Menninger's considered advice was:

"Find a mission in life and take it seriously."

"AMERICA IN THE MARKETPLACE," A THOUGHT-PROVOKING NEW BOOK BY SENATOR PAUL DOUGLAS

Mr. SYMINGTON. Mr. President, as we of the Senate know, the senior Senator from Illinois is a true expert in the field of economics; an economist with the ability to translate theory into practical legislation.

All of us should be indebted to him for the contribution he has now made to an understanding of current fiscal and monetary problems.

The United States faces many of these problems today. In his new book, "America in the Marketplace," Senator DOUGLAS offers unusual insight into the nature and the importance of our continuing unfavorable balance of payments, with its resultant negative gold flow.

In a recent review, the St. Louis Dispatch assessed this book by Senator DOUGLAS. The reviewer pointed out that the author "has developed the ability to translate the highly technical jargon of campus, business and Government economists into terms understandable by an intelligent layman." The article also notes that:

He leaves no doubt about his own position and when he is in doubt, he say so.

I ask unanimous consent that the Post-Dispatch review of this new Douglas book, "America in the Marketplace," be printed at this point in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Aug. 16, 1966]

SENATOR DOUGLAS IN NEW BOOK CALLS FOR LOWERING OF WORLD TRADE BARRIERS, SOLVING LIQUIDITY CRISIS—ILLINOIS SENATOR WOULD BOLSTER ECONOMIC TIES—DE GAULLE POLICY ON BRITAIN AND GOLD CENSURED

(By Raymond P. Brandt)

WASHINGTON, August 16.—Democratic Senator Paul H. Douglas of Illinois has written a scholarly but readable book that combines his knowledge as an economist with his parctical experiences in national, state and local governments in the last 30 years.

The title is "America in the Market Place." It is a textbook on this country's increasing stake in international finance and a tract for free trade among the non-Communist nations. It goes on sale today.

The book has timely political as well as domestic economic significance. It is the first full-length book by Douglas since 1952 and comes out when he is campaigning for re-election to a fourth six-year term. His Republican challenger is Charles H. Percy, a relatively young successful businessman who is trying for a second time to win a major office. He failed in 1964 to unseat Gov. Otto Kerner of Illinois.

The book is unlikely to become a direct campaign issue. Percy was a student of Douglas when the Senator was a professor at the University of Illinois. Although Percy is the chief executive of Bell & Howell, manufacturer of photographic equipment that competes with German and Japanese products, he, too, favors breaking down international trade barriers.

Douglas regards himself as a liberal Democrat. Percy is rated as a moderate Republican. He gave only nominal support to the presidential candidacy of Senator Barry M. Goldwater of Arizona.

As an indirect partisan issue, however, the book by implication compares the relative effectiveness of economists and businessmen in politics. DOUGLAS is a former chairman of the Senate-House Joint Economic Committee and will again be chairman if re-elected to the next Congress. He is also a ranking

member of the tax and tariff writing Finance Committee and the Banking and Currency Committee. On all these committees he has participated in the writing of legislation and reports. He has frequently criticized the actions and policies of Democratic and Republican administrations.

The book discloses how the experiences of a responsible legislator have modified the classical views of an academic economist. There is a windfall for the reader and voter—as a Chicago city councilman, as an adviser to the state governments of Illinois and New York and as a campaigner, DOUGLAS has developed the ability to translate the highly technical jargon of campus, business and government economists into terms understandable by an intelligent layman. He leaves no doubt about his own positions and when he is in doubt, he says so.

The themes of the book are:

(1) All groups and nations prosper most when they concentrate on producing and selling what they can do best and buying those things in which others excel.

(2) Broader trade, freely conducted brings buyers and sellers more closely together and teaches them to be more sympathetic toward the needs and problems of others. Making people more interdependent broadens and deepens their interests and helps lessen parochialism and the cruder forms of nationalism.

(3) We live in a real, not an ideal, world and must deal with human beings and institutions as they are and not as we would like to have them. As we strive for greater world prosperity and a smoother world financial system, we cannot and should not neglect the interests of our own nation.

(4) The United States is the strongest nation in the democratic free world that is challenged by the police states of Communism. Our alliances with the democracies need to be reinforced by solid economic ties that can best be created by trade across national lines.

The opening chapters summarize economic history from simple local barter to complex international credit procedures. The American portion includes a review of American tariff policies from Alexander Hamilton's post-revolution protectionism to President John F. Kennedy's Trade Expansion Act of 1962 and the current Kennedy Round at Geneva.

With this as a background, Douglas discusses at length the creation, decline and revival of the European Common Market; East-West trade; balance of international payments and the various plans for an international currency to supplement gold and dollars as national monetary reserves.

The Illinois Senator concentrates much of his fire on three targets—French President Charles de Gaulle because of his blackballing of Great Britain's application for membership in the Common Market and his cashing of dollars for gold; the purported failure of some State Department Foreign Service officers to protect American economic interests, and the Soviet Union and its satellites.

A a free-trader economist Douglas favors expansion of the six-nation Common Market to include the seven-nation European Free Trade Association of which Great Britain is the most important member. * * *

He recounts with pride that over the opposition of the State Department he obtained approval of two amendments in the 1962 Trade expansion act. The first gave the President more power to retaliate if European countries imposed high tariffs against our products. The second stipulated that the chief negotiator at Geneva be responsible to the President rather than the State Department.

Free-trade purists, he writes, disapproved the reprisal amendment but because it was obvious that France and Germany intended to reduce or eliminate imports of American farm products, he thought our negotiators should be armed with a sword as well as an olive branch.

The Senator's low regard for the State Department has taken several forms. For years he sought to reduce the so-called overseas entertainment allowance for what he called whisky parties. He does not want career diplomats for trade negotiators, saying:

"For many years the Foreign Service was primarily drawn from members of the American Establishment and hence tended to favor European culture and institutions."

The State Department was able to defeat a third amendment that would have enlarged the scope of tariff bargaining at Geneva in case Britain and other EFTA nations did not join or were barred from the Common Market. He discloses that the State Department held that approval of his amendment would lessen Britian's willingness (lukewarm at the time) to join the six inner European countries. It did not foresee that De Gaulle would later veto the belated application.

As to his own view at the time, Douglas writes:

"While I hoped that Great Britain would ask for admission, I wanted its decision made without American influence. I did not want the full benefits of broader trade to be denied to the world because of any slip in her admission."

The episode, he continues, illustrated the weakness in the bureaucracy of the State Department, of an almost inverterate unwillingness to acknowledge that legislators may at times have knowledge and foresight at least equal to or superior to their own.

Althought the book discusses how trade promotes international friendship and peace, Douglas makes an exception of Soviet Russia and other Communist countries. He explains this seeming inconsistency by pointing out that Russia does not permit foreign suppliers to come into contact with their ultimate purchasers and says that Russian trade missions to this country always have secret police attached to them.

Douglas's conditions for trade with the Soviet Union, have been challenged. On one hand, he says that if Russia's ultimate aim is to overthrow our system of government and economics, it would be the height of folly for us to build it up by trade. On the other hand, if Russian hostility switched overnight to co-operation, we should have convincing proof that the Kremlin has turned a new leaf and any trade should be balanced by Russia sending us articles of similar value. Russia has no supply of such articles except gold and a few industrial metals.

Even if reciprocal trade is economically possible, Douglas would insist on political concessions.

"Foremost among such concessions," he writes in the vein of a political campaigner, "would be the end of aid to the North Viet Namese government in its aggressions against South Viet Nam, Laos and Southeast Asia in general.

"Further reciprocal concessions would be the withdrawal of Russian troops from Hungary and other satellites and the granting of religious freedom in certain countries under Russian control.

"These need not be included in the same document as that on trade but could be by parallel and preferably prior action by Russia itself. In other words, we need to be hard bargainers for freedom and not succumb to excessive naivette and false trustfulness."

More than a third of the book is devoted to the balance of international payments, the international monetary system and the need for creating a collective currency unit to supplement the inadequate supply of gold and dollars now used for national reserves and foreign trade transactions.

In international monetary affairs and in European economic union negotiations, Douglas would isolate France until De Galle or his successor abandons insistence on French veto power over the collective plans of other non-Communist nations. While not indorsing any specific plan for creation of a new reserve currency unit, Douglas supports the position of the Johnson Administration for retention of the weighted vote procedures of the International Monetary Fund in an expansion of its authority.

He predicts that De Gaulle will probably refuse to enter an agreement in which France does not have veto power. This should not prevent the United States or other nations from undertaking the venture, he says.

"While the presence of France is highly desirable," he writes, "It is not indispensable. The door should indeed be left open for France to change its mind. Perhaps such experience may be necessary to develop a more co-operative attitude on the part of President De Gaulle and his associates."

Because of its subject, the latest Douglas book is almost entirely on international affairs as they affect the United States or are affected by this country. His earlier writings as an economist were devoted to domestic issues. These included "The Theory of Wages: Real Wages in the United States" and "Social Security in the United States," both still classics in their field. He drafted the first Illinois old age pension law and was adviser to Gov. Franklin D. Roosevelt on New York's social security problems.

PRESIDENT JOHNSON'S POPULARITY

Mr. McGEE. Mr. President, red ink has been used to bring us the news that President Johnson's popularity with the people of the United States has slipped to a low ebb of 50-percent approval. Columnist Howard K. Smith has, however, put this news in perspective, suggesting that it is something to be expected and something to be shrugged off with a little philosophy by the President. Mr. Smith also makes the point that President Johnson has performed well in the Nation's No. 1 job, expressing, in short, the view I know many of us share, that national policies cannot be predicated on opinion polls.

I ask unanimous consent that Howard K. Smith's analysis of the meaning, if any, of the latest public opinion polls regarding the Presidential office be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES JOHNSON'S POPULARITY SLIP MEAN ANYTHING?

(By Howard K. Smith)

There are a great many things the President might do about his sagging stock on the opinion polls. Probably the single most useful recourse would be to shrug it off with a little philosophy.

Measured by the standard of most of his predecessors, he is not doing nearly as poorly as the polls or the Washington press corps suggest. But corrosive criticism and bouts with popular disillusion are almost nonconstitutional requisites for the job. And past examples suggest the present time is about right for popular favor to reach the bottom.

It was within months of FDR's 1936 landslide victory that his stock began to sink, beginning with his ill-fated court reform and ending with the ensuing and disastrous off-year election of 1938. It was about two

years after Harry Truman's stunning upset triumph of 1948 that his poll rating attained what is still the record low for Presidents—26 percent. In 1962, John Kennedy's popularity enabled his party to confound the tradition that the in-party always loses in off-year elections and win his party a net gain of seats in Congress; yet a year later his influence was so low that his legislative program had completely jammed on Capitol Hill.

The trouble is, we still personalize our complaints, and what better person to blame than the one whose actions fill a third of the average front page each day and whose face appears on television more often than Walter Cronkite's. Also, when people give a man a spectacular triumph they also unconsciously hang expectations on him that no human can fulfill. So, comes the pendulum swing from charisma to disenchantment.

In this situation even the most trivial features of a President are picked at. Not long ago I read a list of scathing comments about the President on everything from his absence of style and his cornball mannerisms to his vulgar jokes and lack of dignity in public. At the end it was revealed that not Johnson but Abraham Lincoln had been the butt of these comments by his contemporaries.

Among the comforts of a philosophical attitude is the observed fact that people often tend to say one thing when airing views that won't affect national actions, and to behave differently in that periodic moment of truth in the voting booth. As a friend of mine who hated Truman said when I asked why he did not mark his ballot for Dewey

"Hell, I was only talking then; now I'm voting."

With voting-booth perspective, which swallows near-up wrinkles in long-trend contours, Mr. Johnson's record cannot but appear inordinately impressive. His immediate predecessor's slogan was, get the country moving. But when Kennedy died all had stalled. Johnson's job was, in Pierre Salinger's words, "about like taking over the driver's seat of a bus that had run up against a brick wall. You had to get that bus started again, and you had to get it through that brick wall—but how?" There are not many precedents for the skill with which Johnson got it started and through the wall.

The troubles in our cities cannot be shrugged off. They demand prompt and vigorous remedy. Still, in a real sense they are the noises of progress. It is true that desperate people don't make revolutions; it is rather people who have had a whiff of success and felt the first flow of democratic power into their spirits.

The economy's main trouble is the threat of "over-heating." How much more welcome a problem that is than the way the motor went cold in three recessions in the eight Eisenhower years. Then we shuddered at Allen Dulles' announcement that our economic growth rate was but a fraction of Russia's. Now, our growth rate has simply traded places with Russia's.

The President's weakness is said to be foreign affairs. Yet the intervention in the Dominican Republic, so fiercely assailed at the time (by this reporter among others), turned out pretty well.

In a year of our really resisting in Viet Nam, the mood of all Asia has changed. The assumption that China would inevitably come to dominate the continent has been de-fused, and a kind of spiritual rebellion against Peking's influence is spreading. In fact, so disastrous has been the year for China that we have a new fear that she may resort to irrational actions to try to rescue her prestige.

The President has to face the fact that vigorous Presidents don't get an even break. Since he insists on remaining in that condition, it is going to be tough, at least until election time.

FIRST ANALYSIS OF OUR TAX SYSTEM SINCE 1964 SHOWS DESIRABILITY OF INCREASING STANDARD DEDUCTION

Mr. YARBOROUGH. Mr. President, the first study of the tax system since the tax reductions and reforms of 1963 and 1964 was released yesterday by the Brookings Institution.

I have not yet had a chance to read the whole study, but the newspaper accounts have been highly enlightening. Joseph A. Pechman, the author, found that one of the fairest ways to help lower-middle-income families, at a relatively modest tax loss to the Government, would be to increase their standard deduction. As one who has for years advocated an increase in the standard deduction, I am glad to see support for this proposal coming from the results of an impartial economic analysis.

Mr. Pechman made several recommendations which deserve careful consideration. In his opinion, one of the best ways to help all low-income persons would be to increase their standard deduction. In this regard he advocates measures which would have the effect of removing entirely from the tax rolls single persons having inocmes of $1,200 or less, married couples having incomes of $2,000 or less, and couples having two children and incomes of $3,600 or less. The cutoff point would move higher with more children.

Mr. Pechman's analysis, which shows us what effect our tax system is actually having on the taxpayer, whether married or unmarried, rich or poor, should serve a very useful purpose in suggesting ways of making the system more equitable and more efficient in furthering desirable national goals.

I ask unanimous consent that an account of the study, published in the September 12, 1966, New York Times, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX STUDY FINDS SINGLE PERSONS PAY UNFAIR RATES—ECONOMISTS, IN FIRST SURVEY SINCE 1964 BILL, ALSO CALLS EXEMPTIONS INEQUITABLE

(By Eileen Shanahan)

WASHINGTON, September 11.—The income tax law discriminates heavily against single persons not only in its rates, but also in the system of personal exemptions, a noted tax economists said today.

He is Joseph A. Pechman, director of economic studies for the Brookings Institution, who has made the first complete study of the tax system since the tax reduction and reform bill was enacted in 1964.

Among his other findings were these:

Persons with annual incomes between $100,000 and $200,000 pay higher taxes proportionately than any other group, and notably more than persons with annual incomes of $1-million or more.

Tax provisions to help the aged actually help well-to-do older persons considerably more than they help those in modest circumstances.

One of the fairest ways to help lower-middle income families, at a relatively modest tax loss to the Government, would be to increase their standard deduction.

The plight of single persons was discussed at length in Mr. Pechman's study. He said the "split income" provisions of the tax law, which permit married couples to pay substantially lower rates than single persons, were unfair.

EXEMPTIONS ASSAILED

Under the split income provision, married persons are allowed to treat their income as though each partner had earned half of it. The tax rate imposed is the rate that applies to half the total income.

The split income provision is justified, Mr. Pechman said, on the ground that married couples have heavier expenses, particularly the expenses of raising children. But even married couples who have no children are allowed to split their incomes for tax purposes, he noted.

He also argued that the personal exemption of $600, which can be claimed by each taxpayer for himself, his spouse and dependents, was unfair to single persons.

The system assumes, he said, that it costs twice as much for two persons to live as it does one. This, he said, is not so. Studies of family budgets indicate that it costs about three-fourths as much for one person to live as it does for two, he said.

The taxes paid by the wealthiest persons are relatively small primarily because of the special treatment for capital gains, the study found. Capital gains—investment profits—are taxed at half the rate of other income or 25 per cent, whichever is lower.

Extremely wealthy persons have such large capital gains, Mr. Pechman found, that those with annual incomes of $1-million or more actually pay out only 26.7 per cent of their total income in Federal income taxes.

This is a smaller proportion than that paid by any group with incomes between $100,000 and $1-million, and is only fractionally higher than the proportion paid by those with incomes between $50 and $100 thousand.

The top tax rate, under the 1964 law, is 70 per cent. This applies to incomes of $200 thousand or more for single persons and $400 thousand for married couples. Under this rate, if there were no special tax provisions, persons with incomes of $1-million or more would pay 69.3 per cent of their total incomes in Federal income tax.

The typical family with a total income between $6,000 and $8,000 pays 8 to 9 per cent of it in Federal income taxes. From that level of income to the $200,000 mark, the percentage paid in income taxes rises steadily to 29.1 per cent in the $150,000-to-$200,000 bracket. After that, it falls.

Mr. Pechman did not argue that the preferential tax treatment of capital gains should be abandoned. But he did urge that capital gains be taxed when the property was transferred to the owner's heirs upon his death. Congress has refused to tax them, although President Kennedy proposed this in 1963.

Mr. Pechman said that the double exemption for the aged—the non-taxable status of Social Security payments and the special tax credit for other retirement income—benefited aged persons with high incomes more than those with low incomes.

"It would be fairer," he said, "to remove the additional exemption for age, make retirement income fully taxable, and use the revenue to raise Social Security benefits for all the aged."

One of the best ways to help all low-income persons would be to increase their standard deduction, Mr. Pechman said.

He proposed increases that would have the effect of removing entirely from the tax rolls single persons with incomes of $1,200 or less, married couples with $2,000 or less and couples with two children and incomes of $3,600 or less. The cutoff point would move higher with more children.

This change would cost the Government only about $1.8-billion annually in revenue, Mr. Pechman said, compared with the $5.5-billion cost of raising the present $600 exemption to $800 for everyone, which has frequently been proposed.

URGENCY OF PASSAGE OF CIVIL RIGHTS BILL

Mr. MONDALE. Mr. President, it is essential that the civil rights bill pass the Senate at this session. We are not dealing with some distant goal which can be achieved as well next year as this. The passage of the bill is a matter of prime national urgency.

If there is to be any hope of moderation in the solution of our racial problems, we must prove that Government can move effectively to close the gap between the goal of equal rights for all and the reality of discrimination. The bill contains practical measures toward providing equality in the administration of justice and in the opportunity for obtaining good housing. The passage of the bill would strengthen the hands of those who claim that the democratic and peaceful processes of our Government are able to cope with the pressing need for action in civil rights. Failure to pass the bill will only play into the hands of those who are preaching that nonviolent processes cannot do the job. Such a failure will cause good men to lose faith in their Government.

The denial of equal justice is one of the areas where the Nation most shockingly falls short of its promise of equality and fairness. It is also one of the most frustrating and dangerous areas of all. Our Constitution, which leaves many rights to implication, is specific in guaranteeing due process of law and equal protection of the laws. It does this in recognition of the fact that injustice must be corrected at law; otherwise, the victim is left to seek revenge by force. Equal justice is central to a peaceful and ordered society.

We have seen enough of unequal justice in our society. Murderers of civil rights workers or Negroes are tried by all-white juries and go free. Negroes tried for crime face equally all-white juries, and conviction follows, especially if the crime has any racial connotations. If we are shocked by this sordid spectacle, think how it must grind away, day and night, at the Negro for whom the law becomes a threat rather than a protection.

Titles I and II of the bill would effectively end jury discrimination in Federal and State courts. Title V would make it a Federal crime, with appropriate penalties, to intimidate or harm persons in the exercise of their civil rights. These provisions would redeem the word of our Government that all men are entitled to receive equal justice. We cannot afford to leave that pledge unfulfilled.

The other area of pressing need is in housing. The pressures mounting in our segregated ghettos need no illustration; they are all too apparent to anyone who reads the newspapers.

Title IV of the civil rights bill is a modest measure indeed. My own State of Minnesota, like several others, has an open housing law which is broader in its application than title IV. Experience with Minnesota's law shows that it certainly does not revolutionize housing patterns, and title IV would not either. But it would at least offer a glimmer of hope to Negroes who now have no escape at all from the ghetto—and a glimmer of hope, however faint, is badly needed in the steaming pressures of our slums.

To turn our backs on title IV, a measure which covers less than half of the Nation's housing, is to say an unqualified "no" to the problems of the ghetto. But the problems will not go away merely because we refuse to act upon them. If we simply preach peace and pass the buck, our failure will pursue us all.

The proposed Civil Rights Act of 1966 must become law if we are to answer the demands of the day, and of many days to come.

THE ARMS RACE

Mr. McGOVERN. Mr. President, the distinguished editor of the Saturday Review of Literature, Mr. Norman Cousins, has written a most significant editorial which appears in the September 10 issue of the Saturday Review.

The article spotlights the barrier to further progress on disarmament and nuclear controls. I think it should be read by every Member of the Congress and by those in policymaking positions in the executive branch.

I ask unanimous consent that Mr. Cousins' editorial be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Saturday Review, Sept. 10, 1966]

THE PRESIDENT AND THE ARMS RACE

For almost nine months, delegates from eighteen nations met in Geneva under the auspices of the United Nations to try to find a way of giving reality to a proposition that all believed to be essential. The proposition was that the spread of nuclear weapons must be stopped. Yet the common purpose that brought these delegates together was not accomplished. They adjourned last week without the agreement that all had declared to be in their own stark self-interest.

One of the difficulties was that the nations with a potential nuclear capacity did not think it fair to be asked to forgo making nuclear weapons unless the nations already making them would agree to stop doing so and would start to cut back.

This particular problem, however, was not the major sticking point at Geneva. The major sticking point was that the United States and the Soviet Union were deadlocked on the question of West Germany. The United States insisted that any treaty limiting the spread of nuclear weapons had to take into account existing U.S. commitments to its military alliances. The USSR interpreted this position to mean that the U.S. wanted a non-proliferation treaty that would make an exception for Germany.

As the Geneva deadlock continued month after month, the terrifying possibility of a world nuclear arms race became increasingly close. Finally, a possible compromise was advanced—not in the Palais des Nations at Geneva but in the United States. Secretary of Defense Robert S. McNamara acknowledged, tacitly at least, that the concern over West Germany's access to nuclear force had to be met. He proposed a consultation procedure inside NATO which would give West Germany a voice in nuclear decisions but which would keep nuclear weapons out of German hands.

Many of the delegates at Geneva were encouraged by this proposal. They felt it represented a good test of Soviet sincerity; if the Russians really wanted to stop nuclear diffusion in the world, the McNamara formula offered a reasonable and workable way of getting on with the job.

But the Soviet position was never put to the test. Incredibly and inexplicably, the United States made no attempt at Geneva to put forward the McNamara compromise proposal. An apparent division among U.S. policy-makers had come to the surface. Confronted with an opportunity to break the deadlock, the United States backed away. The Geneva conference ended without the agreement that all agreed was imperative.

Why? Why did the United States shun the formula on West Germany that might have produced a treaty? A possible clue came last week when a U.S. State Department disarmament consultant, on a television program, asserted that the State Department didn't go along with the McNamara proposal because it would encourage the Russians to believe that they could vibrate American policy and impair our freedom of decision. That is, we should not give weight to Russian objections just to obtain agreement. With equal emphasis, he declared that the McNamara formula would offend West Germany.

The same day this interpretation of U.S. policy was being advanced, President Lyndon B. Johnson, speaking at Idaho Falls, made an eloquent and striking plea to the world's nations to stop the spread of nuclear weapons. He called statesmen to rise above narrow, irrational approaches to world problems. He defined a larger interest than the old and cramped national ones. He urged the Soviet Union in particular to put aside the "dogmas and the vocabularies of the Cold War."

"While differing principles and differing values may always divide us," the President said, referring to the United States and the Soviet Union, "they must not deter us from rational acts of common endeavor."

The juxtaposition of the record at the Geneva Conference with the remarks of the State Department consultant and the President's talk at Idaho Falls raises somber and disquieting questions. Is the consultant's interpretation correct? For if it is, then the nation is faced with something far more serious than the matter of tactics in negotiating with the Soviet Union; it is faced with an issue bearing on the integrity of the Presidency. Nothing could undermine the President's position more than a situation in which he calls upon other nations to take action which the United States has actually rejected for itself in advance. Cynicism is not among the values that give distinction to American history.

The first essential both of policy at home and policy abroad is the total credibility of the President. Nothing could be more vital in the present situation than for the President himself to dispel any doubts that may have been raised by the record at Geneva or by official or semi-official spokesmen. The President can best do this by taking part in the effort to obtain vital agreement in the field of arms control, whether with respect to non-proliferation of nuclear weapons or a comprehensive ban on nuclear testing. He can eliminate existing confusion by putting into action the policies he has declared to be essential. If the McNamara proposal has virtue as a means of breaking the deadlock, he should say so.

Recent history has demonstrated it is only when the President himself takes direct part in negotiations that important breakthroughs and results are likely to be achieved. What happens otherwise is that the President's own announced purposes stand in danger of being nibbled to death by naysayers and cramped strategists in the operational branches.

The needs described by the President at Idaho Falls are the dominant needs affecting the safety and security of the American people. If we are to make substantial progress in meeting these needs, the President's role must be decisive.

COLUMBUS, GA., ENQUIRER DISCUSSES EFFECTS OF CIVIL RIGHTS LEGISLATION

Mr. TALMADGE. Mr. President, I bring to the attention of the Senate an excellent editorial from the Columbus, Ga., Enquirer discussing the so-called Civil Rights Act of 1966. The editorial is both discerning and timely in its discussion of the proposed legislation.

The editorial recounts previous struggles over bills of this kind and notes quite correctly that whatever the proponents of those measures said they were not intended to do very often turned out being done, the net result being to deprive American citizens of more rights and liberties than were purportedly granted to anyone. Moreover, legislation of this type in the past has certainly been no panacea in the area of human relations, as the editorial points out.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbus (Ga.) Enquirer, Sept. 9, 1966]

LIGHT WITH THE SOUND

Senate debates on civil rights bills are traditionally a means of consuming time rather than changing minds.

But the Senate opponents of the 1966 Civil Rights Bill actually have hopes that their extended arguments will provide light as well as sound, and will rise above the level of a calculated filibuster.

Unhappily, in the past, neither side has paid much attention to the arguments on civil rights bills, no matter how logical or judicious they were. Minds snapped shut at the mere mention of the bill's title.

The stock reaction of civil rights supporters is to claim that opponents are "reading too much" into the bill and are suffering hallucinations about its intentions.

For instance, during debate on the 1957 bill, Sen. RICHARD RUSSELL raised the specter of federal troops being sent to enforce school integration.

"Ridiculous," cried the bill's supporters.

A few weeks later, the paratroopers landed in Little Rock.

The 1963–64 bill was supposed to get the "racial struggle out of the streets." Opponents expressed fear that passage of the bill under duress of mobs would encourage similar mob tactics in the future. Not so, said the backers.

Opponents kept complaining that the bill would give the Department of Health, Education and Welfare the right to withhold federal funds on a whim.

Fiddlesticks, replied the backers, our boys at HEW aren't like that.

But you might ask the superintendents of 50 Georgia school systems—some of them among the most heavily integrated in the state—who still haven't been approved for funds this year.

Now comes the 1966 bill, with its "open housing" clause.

Sen. RUSSELL, the old ringmaster of anti-civil rights battles, has picked up a valuable new ally this year, and he's letting him carry the ball for the time being. The ally is Sen. EVERETT DIRKSEN, Republican minority leader.

Southerners have usually fought their civil rights battles without open support of senators from outside the South. They'll have some help this year.

But as in the past, the arguments of law and constitutionality will be dismissed by civil rights supporters as merely a mask for segregationist sentiment.

To an extent, that is true, but it is far from the whole truth. There ARE honest and sincere and serious questions involved which affect everyone's rights, and also the future structure of the democratic system.

The quest for legal protection of Negro rights and the elimination of racial barriers is itself a type of mask—a mask that covers a bewildering growth of governmental authority and responsibility in a nation that has previously emphasized individual choice and initiative.

The problem is not one which lends itself to easy catchwords or simplifications. Justice and wisdom reside on both sides of the civil rights debate. So does honor. It is not a dispute between bigots and wild-eyed radicals, but between sincere advocates seeking a solution to a dilemma which has baffled nations and cultures since the dawn of time.

A short view might favor passage of the current bill, but a long view advises that the liberty and strength of this nation and its competitive system will be best served by resisting further governmental solutions to personal problems.

SCHOOL MILK PROGRAM SUPPORT ESSENTIAL

Mr. PROXMIRE. Mr. President, in fiscal 1964 the national investment in research and development was estimated at $19 billion. Two-thirds of this was from Federal sources. Some of the research supported was of the most basic kind. In other words, it was not done to meet particular needs for, say, a cancer cure or a bigger and better rocket booster. Rather it was intended to look into basic questions such as the life process and the expansion of the universe—questions whose answers will have no particular application but will serve as important blocks of knowledge on which to build the scientific advances of the future.

In fiscal 1967 the administration budgeted $185 million for basic research project grants to be awarded by the National Science Foundation. Although funding basic research is important and necessary, I seriously question the wisdom of a $65 million jump in this item from the fiscal 1965 total of almost $120 million, especially at a time when we are seemingly unable to continue the special milk program for schoolchildren at past levels.

The milk program provides the most immediate kind of benefits for each tax dollar spent. It means healthier lives for a great number of the Nation's schoolchildren. It means less pressure on the Federal Government to purchase and store surplus milk at the taxpayers' expense. And it means better income for dairy farmers as the consumption of milk at school is stimulated.

If the Federal Government is to continue to play an important role in sponsoring basic research, it must not turn its back on the very practical problem of providing enough funds for the school milk program, as well as other federally sponsored social help programs, to prosper and grow. This is why I intend to fight for the appropriation of at least an additional $6 million for the school milk program in fiscal 1967. This amount is essential if the Federal Government is once again to reimburse local communities under the program at the rate used prior to fiscal 1966.

AMBASSADOR BOWLES' ASSESSMENT OF SITUATION IN SOUTHEAST ASIA

Mr. McGEE. Mr. President, a note of optimism, albeit cautious optimism, has been sounded on the situation in Vietnam by Hon. Chester Bowles. Ambassador Bowles, upon returning to his post at New Delhi following a trip through southeast Asia, expressed his personal assessment of the situation at a news conference August 17. His statement on that occasion is deserving of notice because it represents an intelligent, well-informed view, and because it states the U.S. hope for Asia:

That the day will soon come when India and the noncommunist nations of Asia will themselves organize an effective effort to assure that the tragedy of Vietnam is not repeated elsewhere.

Mr. President, I ask unanimous consent that the text of Ambassador Bowles' statement in New Delhi on August 17 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CAUTIOUS OPTIMISM FROM VIETNAM

(By Chester Bowles, U.S. Ambassador to India)

I have just returned to India from a week-long visit to Southeast Asia, during which I had a chance to observe at first hand recent developments in Thailand, Laos, and particularly South Vietnam.

These three countries, as you know, are now the immediate targets of communism in Southern and Southeastern Asia. My purpose in visiting them was to make a personal estimate of how well they are standing up to this pressure.

I would like to add that this was my sixth visit to Southeast Asia in fourteen years, and that I return to India much encouraged.

In Laos the situation has improved dramatically in the past two years, largely as a result of the present Prime Minister's determination to keep his country from being swallowed up by communist elements. Although the communist-led forces still control nearly one-third of the population, they are steadily losing ground.

Thailand, which has been publicly named by the Chinese Government as the communists' next Southeast Asia target, is also taking energetic and constructive steps to meet the threat.

In the Northeastern part of the country, Government forces are vigorously hunting down Chinese-trained communist saboteurs and assassins who have been sent into the peaceful villages of this area to disrupt and to destroy.

In support of this rural security programme, Thai Government, with the support of the United States, is pressing forward with intensive economic and social development programmes even in the most remote sections of the country.

In South Vietnam, a 1,500-mile trip by plane, helicopter, and jeep, covering many outlying provinces, left me cautiously optimistic. Although the military struggle is still intense, it is now clear that the South Vietnamese armed forces, vigorously supported by American and other allied units, are steadily gaining ground.

The officers and men of the four divisions we visited in the field offered impressive evidence that in the last year, and particularly in the last six months, they have been

successfully wearing down their communist adversaries.

This claim was fully borne out by my own observations. For instance, in a rural province sixty miles east of Saigon I drove in a jeep for some fifteen miles through countryside which less than two months before had been under the control of regular Viet Cong units.

However, we must not forget that North Vietnam has sent forty to fifty thousand of its regular army troops into South Vietnam both by way of the Ho Chi Minh trail through Laos and directly across the demilitarized zone which divides North and South Vietnam. These are professional soldiers who fight in uniform and are armed with the most modern Chinese weapons.

Therefore, unless the Hanoi Government can somehow be persuaded to negotiate a peaceful settlement, it will be some time before the military situation can be stabilized.

Another dimension of the South Vietnamese Government's massive effort to establish political stability, which I had a chance to examine at first hand, are the many impressive self-help projects such as the construction of schools, clinics, roads, housing, and central markets.

Training programmes similar to those being developed here in India are also going forward. For example, since my last visit to South Vietnam in July 1963, over 5,500 school teachers have been graduated and training programmes for thousands of civil administrators are well under way.

When you consider that the population of South Vietnam is less than that of the Indian state of Kerala and that a full-scale war is in progress, this is an impressive performance. Although the United States is providing most of the material resources, the effort is going forward under increasingly competent South Vietnamese leadership and direction.

By all odds the most important political development in the period immediately ahead will be the September 11th election for the formation of a Constituent Assembly. This will be the first national election ever held in South Vietnam, and I believe its outcome will be a decisive milestone in the future of Southeast Asia.

For the last several years the Viet Cong, echoed by their Chinese communist supporters, have been attempting to persuade people all over the world that they represent the revolutionary majority of the South Vietnamese whose will is being frustrated by a "reactionary" South Vietnamese Government supported by the "imperialist" United States.

There is already ample evidence that this claim is false. For instance, no important South Vietnamese political or military personage and no South Vietnamese military unit has ever defected to the Viet Cong. On two occasions the Viet Cong have failed dismally in their efforts to organize a general strike.

I believe the September election will offer further evidence that far from representing the sober, hardworking, long-suffering people of South Vietnam, the Viet Cong speak for only a minority who will seek by every possible means to prevent the democratic test of a free election.

In preparing for this election South Vietnam has been divided into 108 electoral districts, plus nine additional seats provided for tribal minority groups, in a procedure similar to the one followed here in India.

Five hundred and forty-two candidates have been registered, which means that about five individuals will contest for each seat. The largest number of candidates are school teachers, closely followed by doctors, labour, business, and rural leaders.

Once elected, this Constituent Assembly will prepare a democratic constitution for South Vietnam. In February, at about the same time that India will be holding its own elections, a fully responsible, representative government will be chosen under this new constitution by another free vote. The present government will then resign and the new one will take its place.

If the September 11th election is held on schedule and a significant number of people in this war-torn country are able and willing to vote, the result will represent a massive democratic repudiation of communist claims and a decisive political victory for the South Vietnamese Government.

Consequently, the communists will do everything in their power to keep the South Vietnamese people away from the polls. Between now and election day we shall no doubt see an intense communist programme of intimidation, assassination, and harassment. Indeed, the campaign was already beginning while I was there last week.

It is expected that more than 500 press representatives from all over the world will be able to witness the election from the vantage point of each of the forty-three provinces and from Saigon and report the full facts to their readers. I hope this press gathering will include many of India's ablest reporters, editors, and commentators.

Speaking more generally, I returned to New Delhi deeply impressed with the increasing determination of the noncommunist nations of East and Southeast Asia to create a solid base for their own security, *vis-a-vis* China, and to assure their own economic growth. Foreign Minister Thanat's recent proposal for an all-Asia conference to bring peace to Vietnam was promptly supported by Japan, the Philippines, Malaysia, and other nations.

I also found considerable interest in India. Several South Vietnamese political leaders asked me about the Indian Constitution and its Parliamentary system, while developmental officials were interested in your programmes in school building, malaria control, agriculture, and small industries.

However, the most pointed questions in Thailand, Laos, and South Vietnam concerned India's broad approach to Asian affairs. Particular concern and interest was expressed in India's view of China. I was frequently asked whether India saw Chinese expansionism simply as a phenomenon limited to the Himalayan area or rather as a threat to all the people of noncommunist Asia.

So much for the situation in Southeast Asia as I saw it. Now let me review briefly my own government's attitude toward the developments which I have described and particularly to the pursuit of a just peace in South Vietnam.

There are several fundamental points:

1. The bombing of North Vietnam by United States planes is restricted to military targets which are being used by Hanoi in support of its aggression against South Vietnam. The U.S. remains prepared to cease this bombing the moment that Hanoi agrees to take some reciprocal action.

2. The United States reaffirms its offer, which it has made on innumerable occasions, to join with others in negotiating a peaceful settlement. We are prepared unconditionally to discuss any proposals which may lead toward a peaceful settlement, including the so-called Four Points set forth by North Vietnam.

For the record, may I remind you that the United States has replied affirmatively to the peace initiatives sponsored or participated in by India. We welcomed the proposals of the nonaligned nations in Belgrade on April 8, 1965. We welcomed President Radhakrishnan's proposal on the 24th of that same month. Again we welcomed Mrs. Gandhi's Geneva proposal of July 8, 1966. The United States has consistently supported reconvening the Geneva Conference and a settlement based on the essentials of the 1954 and 1962 Geneva Accords.

3. The United States does not threaten the existence of the Government of North Vietnam. We hold no animosity toward the people of North Vietnam; indeed, President Johnson has repeatedly pledged our assistance for the economic development of North Vietnam once peace has been restored.

4. The United States has no intention or desire to maintain military bases in Southeast Asia. We are pledged to withdraw our troops from South Vietnam as soon as its security and freedom of choice have been assured.

5. The United States does not oppose the reunification of Vietnam. We support the right of self-determination through the free choice of the Vietnamese people. Similarly, the United States does not oppose the neutrality or nonalignment of the countries of Southeast Asia if that is the course they choose.

6. However, until the communists agree to negotiate a peaceful settlement by one means or another, the United States will continue to support South Vietnam's resistance to aggression. We shall maintain our efforts until the aggression ceases and South Vietnam is allowed to determine its own future, free of outside coercion.

7. This policy reflects the consistent determination of my Government since 1941 to resist aggression in Asia and to create here the basis for stability, prosperity, and freedom.

In World War II this determination caused us to oppose Japanese aggression throughout Asia. It then led to our participation in the U.N. opposition to the communist invasion of South Korea. It led us to defend Taiwan, and in 1962 it brought us promptly to your support when Chinese forces violated India's northern borders.

After this vast and costly effort by the American Government, our abandonment of the people of South Vietnam is unthinkable. Not only would millions of dedicated South Vietnamese be ground under by the communists, but the determination of the United States Government to support and assist the free nations of Asia—including India—would become subject to serious doubt both by these nations and by their communist adversaries.

May I add that we are hopeful that the day will soon come when India and the noncommunist nations of Asia will themselves organize an effective effort to assure that the tragedy of Vietnam is not repeated elsewhere.

MARGARET SANGER: "ONE OF HISTORY'S GREAT REBELS AND A MONUMENTAL FIGURE"

Mr. GRUENING. Mr. President, editorial comments will be written about the late Margaret Sanger henceforth because her concern was for all mankind, and her crusade on behalf of family planning made sense when people listened.

I ask unanimous consent that an editorial and a news story by Martin Tolchin, published in the New York Times of Sunday, September 11, be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

MARGARET SANGER'S LEGACY

(By Martin Tolchin)

As a young nurse on New York's Lower East Side, Margaret Sanger specialized in maternity cases. She saw women, weary and old at 35, resorting to self-induced abortions which frequently caused their deaths.

Mrs. Sanger nursed one mother, close to death after a self-inflicted abortion, back to health, and heard the woman plead with a

doctor for protection against another pregnancy.

"Tell Jake to sleep on the roof," the physician said.

The mother died six months later during a second abortion. Mrs. Sanger renounced nursing.

"I came to a sudden realization that my work as a nurse and my activities in social service were entirely palliative and consequently futile and useless to relieve the misery I saw all about me."

At that point Mrs. Sanger, who coined the phrase "birth control," began her crusade to free women from sexual servitude, as she saw it.

The fiery feminist, who died last week at the age of 82, survived Federal indictments, a one-month jail term, numerous arrests and lawsuits, hundreds of raids on her clinics and the combined opposition of the Catholic and Protestant churches to see much of the world accept her view that family planning was a basic human right.

OPPOSITION TO APPROVAL

Mrs. Sanger saw Protestant opposition turn to approval. Catholic opposition appears to be all but surmounted. Legal barriers to birth control have all but been removed.

Pope Paul VI acknowledged in a recent interview that he was reappraising the church's teaching on the subject of birth control.

Mrs. Sanger's American Birth Control League, established in 1921, became the Planned Parenthood Federation of America in 1946. The federation today has centers in 150 cities in the United States and 38 member organizations and projects in 58 other countries.

"It was she who convinced America and the world that control of conception is a basic human right and like other human rights must be equally available to all," said Dr. Alan F. Guttmacher, president of the Planned Parenthood Worldwide Association.

MARGARET SANGER

When Margaret Higgins, one of eleven children of a stonecutter, looked around Corning, N.Y., she observed that "large families were associated with poverty, toil, unemployment, drunkenness, cruelty, fighting, jails; the small ones with cleanliness, leisure, freedom, light, space, sunshine." It was only a child's view, but it helped to change the world. As Margaret Sanger she was one of history's great rebels and a monumental figure of the first half of the twentieth century.

The economics of poverty, the limited resources of the planet measured against the limitless capacity of mankind to increase, has at last brought most governments and most religions to recognize the necessity of birth control. But it was for the liberation of women as individuals that Mrs. Sanger began her crusade in 1913. The population explosion had not been thought of when she first published "Woman Rebel," and first went to jail in 1914, and when she opened America's first birth-control clinic in Brooklyn fifty years ago.

The birth-control movement grew out of one woman's outrage at the suffering she saw among the poor. It grew into a view of family planning accepted and practiced in a majority of American homes, a cause widely and wisely promoted throughout the world and an international consensus that population control is necessary to human welfare and global peace.

NEGRO UNEMPLOYMENT

Mr. McGOVERN. Mr. President the distinguished business editor of the Washington Post, Mr. Hobart Rowen, recently authored an important column on the problem of Negro unemployment.

Mr. Rowen calls attention to the disturbing fact that the unemployment rate among Negroes is now 8.2, nearly 2½ times the rate among whites. He makes clear that this situation is close to the heart of the frustrations and difficulties experienced by the Negro in the United States.

I ask unanimous consent that this significant column be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGRO UNEMPLOYMENT—IT'S TIME TO OPEN THE DOORS

(By Hobart Rowen)

Probably the most discouraging statistic to come out of the Washington numbers-factory lately is the higher Negro unemployment rate. At 8.2 percent in August, it is nearly 2½ times the white unemployment rate of 3.4 percent. Thus, in the middle of the biggest economic boom in history, the Negro is not gaining, he is losing, in the area in which he needs help most—jobs.

Worst of all, officials say they are at a loss to explain this phenomenon. Until recently, the theory that prosperity would reach out even for the disadvantaged and the unskilled seemed to be proving out. Even the barrel-bottom would get scraped, we were told.

In the early months of the year, Negro unemployment had dropped to around 7 percent, still double the white rate but a considerable improvement from the level of the spring of 1965, when it was 8.6 per cent. At least, the jobless total was coming down in step with the general trend.

But the situation since May has deteriorated: while unemployment continues to edge down among whites, it has moved up considerably among Negroes. Nor is it a question just of the teenager problem. That is simply the worst spot of all, with an unemployment rate of 27 per cent among Negro youth.

The worsened job outlook is among Negro men, Negro women, as well as among Negro teen-agers. It runs through all industries, and in all sections of the country.

There are a number of unhappy developments contributing to the situation, in the opinion of worried and well-informed persons in Washington.

First of all, the drive in private industry to hire Negroes apparently has lost steam, in part, perhaps, because national attention has been diverted from civil rights to Vietnam. Moreover, the Equal Employment Opportunities Commission never developed into a tough, viable agency. Since May, it has been without a chairman. Now, under Stephen N. Shulman, former general counsel of the Air Force, it may get going again.

It should be acknowledged, at the same time, that many companies have made honest efforts to recruit—and have been rebuffed. They must keep trying, for it's hard to undo in a few years the damage done in a century.

Second, as a recent Labor Department study shows, industry and commerce is expanding in the suburbs, not in the central cities. Job opportunities have thereby been exported to suburbia, where segregated housing patterns prevail. Thus, it becomes increasingly difficult for Negroes to find the jobs and pay their way to them.

And finally, the industrial job expansion which is at the heart of the boom is probably calling for skills or the ability to learn that many of the disadvantaged Negroes simply do not have.

White society has kept the Negro in the ghetto so long that it is not surprising that many are beyond recall. Some of the current poverty programs amount to no more than a massive dole designed to keep a lid on a powder keg.

But there are plenty of things that must be done. Employers who have rested on their laurels, pleased as punch because they've hired one or two Negroes, need to be pushed again into a vigorous, positive effort to find, hire and train.

In the short run companies escaping to suburbia may do well. But in the long run, if business shifts to the suburbs while the ghettoes remain intact, they are risking a period of unrest—even revolution—that will make the 1965–66 riots look pale.

What business had better do is to back open housing programs in the suburbs. More money will have to be spent on basic education and training programs.

The Government, for its part, needs to dig deeper into the various root causes for Negro unemployment. In all probability, the situation is probably even worse than portrayed. A special Labor Department survey for March, for example, showed 150,000 Negro men aged 25 to 64 in the big city slums not even looking for work—and therefore not counted among the unemployed.

For too long, this country has been divided into two economies. There is the first-class one, where there is a boom, fancy cars, good clothes, and worry about yesterday's Dow-Jones closing stock average.

And then there's the other economy—of hunger and hate and unemployment. Those of us in the first class section had better start opening the doors.

THE USIA—AN INFORMATIVE REPORT

Mr. SYMINGTON. Mr. President, the U.S. Information Agency recently filed its 26th semiannual report to Congress.

In the foreword, Leonard H. Marks, who this month observes his first anniversary as Director of the USIA, states:

As man's ability to create weapons of ultimate terror becomes more widespread, we who inhabit this small planet must devote more of our energies to the critical race between communication and catastrophe.

Philosophically and factually, the report presents the activities of the USIA in telling America's story to the world. The facts and figures are impressive: USIA has, during the period of January through June 1966, broadcast 845 hours weekly in 38 languages to an estimated worldwide audience of 25 million daily; exhibited its motion pictures to 350 million people in 120 countries; placed its television programs on 2,082 TV stations in 94 countries; produced 400,000 leaflets and pamphlets a week in 47 languages for use in 115 countries; published more than 1,300,000 copies per month of 24 magazines in 29 languages for distribution in 90 countries; assisted foreign publishers to produce 6 million copies of 799 different books, including translations; operated 223 libraries and reading rooms, which were visited by over 12 million people.

It is interesting to note that Mr. Marks states in the report:

As I consider the past year, I find no reason to change the basic philosophy which I brought to this assignment. It is expressed in five words: "truth is our best propaganda."

Two other items of particular interest are accounts of dollar savings in USIA activities and of efforts to strengthen foreign language skills of USIA officers.

I invite the attention of the Senate to this report in the belief that they also will find it informative.

DEATH OF C. E. WOOLMAN, FOUNDER AND CHIEF EXECUTIVE OF DELTA AIR LINES

Mr. TALMADGE. Mr. President, the Nation was saddened by the death Sunday of C. E. Woolman, founder and chief executive of Delta Air Lines.

In his untimely passing, Georgia lost one of its finest citizens and the airline industry one of its great pioneers. He will be sorely missed by his loved ones, friends, and associates.

I ask unanimous consent that Mr. Woolman's obituary in Monday's edition of the Washington Evening Star be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

C. E. WOOLMAN, CHAIRMAN, FOUNDER OF DELTA AIR LINES

ATLANTA, GA.—Recently, C. E. Woolman presented a 20-year service pin to one of his employes and said, "You've done well for a girl who started out in the trash basket."

The employe had nearly forgotten her first meeting with her boss in the early 1940s when she walked into the office and in her nervousness became entangled with a waste paper basket.

Mr. Woolman had not forgotten.

That incident typified Mr. Woolman, a pilot who founded a small crop-dusting firm in 1925 and watched it grow into Delta Air Lines, seventh largest air carrier in the world.

Mr. Woolman always tried to keep in close touch with his employes. When he died yesterday, one of the first telephone calls to the home office here was from a Birmingham, Ala., porter who started with the company in 1934.

MAIL-LOADING RECALLED

"Me and Mr. Woolman used to load the mail together," he said.

Mr. Woolman, 76, died in Methodist Hospital at Houston, Tex. Death was attributed to a heart attack. He had been making a satisfactory recovery from abdominal surgery Sept. 4.

Survivors include two daughters, Mrs. Sam Preston and Mrs. Martha Taylor, both of Atlanta; a sister, Mrs. Rachael Woolman Simpson of Urbana, Ill.; a niece, Mrs. Delmer Murphy of Wilmington, Del.; and five grandchildren, all of Atlanta.

Funeral services will be held tomorrow morning at the First Presbyterian Church in Atlanta and burial will be in Atlanta's Arlington Cemetery.

BOARD CHAIRMAN

Mr. Woolman was elevated to the chairmanship of Delta's board and to chief executive officer last year. He had been company president and general manager.

He was born on the campus of Indiana University, the son of a college physics professor. He spent most of his younger life, however, on the University of Illinois campus, an institution he attended.

In 1910, he worked his way across the Atlantic on a cattle boat to attend the world's first aviation meeting in Rheims, France. It was this event to which he attributed his leaning toward aviation.

In 1925, after serving as a county agricultural agent and managing a 7,000-acre plantation in Louisiana, he founded a crop-dusting firm to combat the boll weevil that threatened the South's cotton economy.

THE ELECTION IN VIETNAM

Mr. YARBOROUGH. Mr. President, yesterday the people of the Government-occupied sections of Vietnam dealt a shattering blow to the Vietcong.

Yesterday, the people of the Government-occupied sections of South Vietnam gave Ho Chi Minh one of the worst defeats of his life.

Yesterday, the people of South Vietnam who were free to vote moved a giant step in the direction of popularly elected, constitutional government.

Yesterday, the people of South Vietnam in areas where they could vote reinforced the faith of Americans who have all along believed that the people of that wartorn land wanted nothing more than freedom to make their own way and to build their own country.

Yesterday, Mr. President, the people of South Vietnam went to the polls, where the polls were open, giving them a chance to vote.

They went in overwhelming numbers. If the latest reports are correct, over 80 percent of the eligible voters in that portion of South Vietnam where the polls were open, cast their ballots for their choice of candidates to a constituent assembly.

It was not an easy thing to do. It was not easy for the voters—and it was not easy for the candidates.

The candidates ran for seats in the Assembly at the risk of their lives. Many of the voters cast their ballots under the same threat.

The Communists had set out to use every technique of violence at their disposal to make the elections impossible. Their entire propaganda apparatus of the Communists in South Vietnam and in Hanoi and in the rest of the Communist world was directed to discourage participation in the voting.

Candidates received threatening phone calls and letters. And some were visited by Vietcong agents. The message was simple—and brutal: pull out of the election, or you will be killed. Yet, of the more than 500 candidates, not 1 withdrew his name because of this harassment.

The people were threatened, too. Vietcong agents fanned out through the countryside. They called at village houses in the dead of night. And the message was repeated and repeated again: Do not vote.

But the people did vote. When election day came, they trooped to the polls in huge numbers. They rode buffaloes, and they walked. They rode buses. They used every available means of transport. But they got to the polls—more than 4 million of them.

And even as they went to vote, the Vietcong kept up the pressure. Down in the Mekong Delta, it is reported this morning, a hundred voters or more were walking down a road to vote. The Vietcong opened up with sniper fire. The people ducked. Three of them were hit and died on the spot, according to reports, but the rest kept going, and they voted.

In an off-year election, we can expect about 39 percent of our eligible voters in the United States to turn up at the polls. And no one is shooting at us. So when more than 80 percent of the eligible Vietnamese appear at the polls when they were open in South Vietnam, freemen here and everywhere can only be filled with wonder—and with pride at the courage of another people in a faraway place.

I wonder, Mr. President, what Ho Chi Minh is thinking this morning. What happens now to his claim that the Communists represent the voice of the South Vietnamese people in the Government areas? What does he now tell the young men from the North whom he has sent into South Vietnam? What does he now tell those he promised would be welcomed as "liberators"? For the overwhelming voice of the people of the free areas of South Vietnam has spoken. And it has said: "We do not want you. We want to rule ourselves."

Yes, Mr. President, the people of the South Vietnam areas not under Vietcong control have taken an important step in the direction of building their own political life.

But let us remember that it is but a step, not the entire journey. The new Assembly has the responsibility for writing a new constitution. Next will come the creation of executive and legislative organs to conduct the day-to-day business of government. And we can expect elections for those new political institutions early next year.

There are as yet no national political parties—around which the loyalties of men and women, and the political life of the South Vietnamese can be assembled. This is another major task that lies ahead.

We who remember our own history know the travail and the difficulties we passed through in shaping a nation and in developing the parties and the institutions of government that met our needs and our desires. This is the work of decades, not of months.

So let us be patient with our South Vietnamese friends—for they have hard work ahead and a long path to travel.

But yesterday, they moved ahead down that path—with courage and with hope.

Let us ask ourselves whether this would have been possible yesterday if the role we have played had been different.

Without the wisdom of a determined President—without the sacrifice of brave American men—without our military and economic assistance—would there have been an election in any part of South Vietnam yesterday?

The answer is obvious to us all.

So let us take new heart—let us take hope—that the basic course we are pursuing is the right one, even if there are individual mistakes and tragic misunderstandings.

For we are helping a brave and determined people—a people who want to be free to make their own choice. I believe that we are making progress, and if we do not escalate this war into Cambodia or North Vietnam, peace may be closer than we think.

Let us hope that day is near.

NATIONAL REDWOOD PARK A BIT NEARER TO REALIZATION

Mr. KUCHEL. Mr. President, last Thursday, the chairman of the Committee on Interior and Insular Affairs, the distinguished Senator from Washington [Mr. JACKSON], and I jointly announced at a press conference that the lumber companies in northern California, operating in the proposed National Redwood Park areas, had all voluntarily announced that they would not cut any redwoods in such areas.

Congress may therefore proceed in its next session to consider Redwood Park legislation as recommended by the President.

All conservation groups are agreed that a National Redwood Park is in the national interest. There is, however, disagreement on size and location.

I made a statement last Thursday on this matter, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KUCHEL

The public interest of the American people is well served today and the cause of sound conservation has been advanced. We are a little nearer to the creation of a Redwood National Park because of the voluntary action of the lumber industry. Congress may proceed next January to consider Redwood Park legislation. Meanwhile, the giant and ancient trees in the proposed park sites are in no danger.

Miller Redwood Company has agreed to stop cutting the redwoods from along the south boundary of the Jedediah Smith State Park. It will simply carry on its logging operations in other parts of its properties, which is all we sought at this time. It has agreed that until Congress has had a reasonable time to act on Redwood National Park legislation, it will not cut in the prime areas of aged virgin redwoods. It will not shut down during this period; no one will be out of a job.

To their great credit, the redwood companies which operate in the area proposed by the Sierra Club for a park have announced that they will voluntarily, and at no cost to the American people, adjust their cutting operations so that the park value of the Redwood Creek watershed will not be defaced pending action on a Redwood National Park bill. These companies are Georgia Pacific Corporation, Simpson Timber Company, and Arcata Redwood Company.

In its telegram to me this morning, Georgia-Pacific Corporation stated:

"It has been the long-standing policy of Georgia-Pacific Corporation that the special interests of the Corporation, its employees and their families must be sacrificed if the national interest requires it." I salute it.

Miller-Rellim apparently will cut about 100 acres of what it describes as "non-park quality" trees this winter, but it has agreed to consult with the National Park Service on the location of this cutting. It has also agreed to consult with the Chairmen of the House and Senate Interior Committees before moving back into the prime stands about which I have been concerned over recent months.

As the Chairman has indicated, we can look toward early passage of a Redwood National Park bill in the next session of Congress. Areas of disagreement still exist on where and how big the park should be. The Save-the-Redwoods League, the National Audubon Society, the California Division of the Izaak Walton League, the National Geographic Society, Mr. Laurance Rockefeller, and other distinguished conservationists favor the bill which I introduced on President Johnson's recommendation. Governor Brown of California also favors this bill. The good people of the Sierra Club and other conservation organizations favor a vastly larger park located in a different area.

I believe the national interest requires a great Redwood National Park for the benefit and enjoyment of the American people. I also believe that the national interest requires the conservation organizations of this country to set aside their differences and to agree on a park site which will do justice to the majesty of these centuries old trees, while protecting the timber-based life and economy of the north coast region of my State of California.

HOW NEW MEXICO SCHOOLS ARE USING FEDERAL FUNDS TO MEET LOCAL NEEDS

Mr. MORSE. Mr. President, in the September 1966 issue of the NEA Journal there appears over the byline of Mr. Byron Fielding an article entitled "How New Mexico Schools Are Using Federal Funds To Meet Local Needs."

This article is an excellent review of the program being carried out in one of our great States. I was particularly struck by the comment Mr. Fielding reports from a local superintendent to the effect that "I have never seen a Federal program implemented so quickly. Title I is the best thing that has happened to education in this State."

I ask unanimous consent that the article to which I have alluded be printed at this point in my remarks because I feel that it can be most helpful to my colleagues when later we consider amendments to Public Law 89–10 at the time S. 3046 comes before the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW NEW MEXICO SCHOOLS ARE USING FEDERAL FUNDS TO MEET LOCAL NEEDS

In the summer of 1965, no one in the U.S. Office of Education or in the various state departments of education could say exactly how Title I of the new Elementary and Secondary Education Act (PL 89–10) was going to work. The $1.16 billion Congress authorized for Title I had to be used for projects that would meet the special educational needs of "educationally deprived children." Each eligible local school district was notified of the maximum amount of funds available to it under a formula based upon the number of educationally deprived children it had and the average educational expenditure per child in its state. It was left up to the local school district to submit project applications for approval by the state department of education, which was then empowered to make grants within the limit of the maximum amount of funds available to the particular district.

The big problem in New Mexico, as elsewhere, was preparing the local school districts to submit projects that would be acceptable for Title I support. Local school officials were uncertain about whether the law was to be narrowly construed, requiring projects that would involve deprived children exclusively, or whether it would permit flexibility, allowing for such general improvements as increased library services and reduced class sizes. To compound the problem, Congress was late in appropriating funds, so that superintendents did not know until after school had opened last fall how much money their schools would be eligible for or where they were going to find the additional staff they would need to carry on the proposed projects.

Fortunately, Charles H. Wood, late executive secretary of the New Mexico Education Association, had anticipated many of these problems. As early as May, he had prepared and distributed a booklet giving a complete description and analysis of PL 89–10, with an accurate estimate of how much money each district in the state would be eligible for under the Title I formula.

The booklet also contained lists of suggested projects for helping educationally deprived children.

"As an organized profession," NMEA said in the booklet "we believe that the state agency and the administrations of local school districts do not have the full responsibility for carrying out the provisions of this Act. Teachers and those on the firing line should take an active part in developing programs and helping implement the Act."

After schools let out for the summer, NMEA field people and the two NEA West Coast representatives held a series of conferences throughout the state with local association leaders and others to prepare teachers for participating in Title I planning.

Similar meetings for superintendents throughout the state had been called by State Superintendent of Schools Leonard J. DeLayo. Mr. DeLayo, incidentally, had cancelled all summer leaves for the state department staff so that they could study the guidelines published by the U.S. Office of Education and interpret them for the local school districts. (The state superintendent and his staff have since been commended by the U.S. Commissioner of Education, Harold Howe II, not only for the speed with which they brought the benefits of Title I to the children who need it, but also for "the imagination and enthusiasm that prevades the entire program" in New Mexico.)

As a result of this kind of preparation, eighty-nine of New Mexico's ninety eligible school districts during the past school year had one or more new programs supported entirely by Title I funds. The funds have been used to supply children with everything from new library books to the eye glasses some of them need to read the books.

"I've never seen a federal program implemented so quickly," says a local school superintendent. "Title I is the best thing that has happened to education in this state."

Because of New Mexico's "three cultures"—Indian, Spanish, and Anglo—Title I projects have had to be tailored to meet a variety of local needs.

Take the matter of teaching reading skills, for example. Practically every district is using some Title I money for development of reading skills. West Las Vegas, a predominantly Spanish speaking community, is using the Miami Linguistic Series, which was originally developed to teach reading skills to Cuban refugee children. Bloomfield, which has a number of disadvantaged Navajo and Anglo children, as well as Spanish, has been using *Words in Color* to teach early reading skills.

Pecos, one of the smallest school districts in the state, used Title I money for quite a different purpose: It purchased a four-wheel-drive school bus to bring children to school from a remote, poverty-ridden community in the Sangre de Cristo Mountains. The only road into the community is a dirt logging road which snow, rain, or even a slight drizzle can make impassable for conventional vehicles.

An interesting Title I experiment is taking place in West Las Vegas, in grades one through five, where Spanish is being taught to pupils whose first language is Spanish.

"The children's Spanish is not very good, though," says the teacher, Humberto Gurule.

"We want the children to be truly bilingual, but how can we expect them to become literate in English if they are illiterate in their own language?"

Although Mr. Gurule uses an audio-lingual approach in his teaching, he also puts a great deal of stress on proper grammatical usage and vocabulary building. Knowing that young children can become easily bored with grammar and word drill, a visitor to Mr. Gurule's class is pleasantly surprised at the hand-waving - eagerness-to-answer atmosphere in the class.

Ray Leger, the youthful-looking, bilingual superintendent, credits this enthusiasm not only to Mr. Gurule's patient teaching methods but also to the delight the children take in being able to use their own language at least one period a day. "It is helping many of our children see for the first time that their own tongue may be used as a medium of instruction," he says.

Other teachers have also commended on the favorable side effects of the elementary Spanish classes. The children who have been taking Spanish seem to find it easier than before to learn other subjects where the instruction is given in English.

In addition to the elementary Spanish classes, West Las Vegas has sixteen other Title I projects, ranging from a course in auto mechanics to music lessons. Music is emphasized because it is as much a part of the children's Spanish heritage as their language.

"We want the children to be proud of their heritage so that they will have pride in themselves," says Litra Romero, the district's music director for the past fifteen years.

Under Mr. Romero's direction, West Las Vegas has begun its first organized music program for the elementary schools. He has also arranged for teachers from nearby New Mexico Highlands University to give lessons in folk dancing, as well as in stringed instruments and piano. All of this comes out of Title I money.

"There is certainly no lack of flexibility in what can be done with these funds," says Superintendent Leger.

This high degree of flexibility was consciously encouraged by the state's Title I coordinator, Mildred K. Fitzpatrick. In helping local school districts plan their proposals, Dr. Fitzpatrick purposely provided no models. "We didn't want to discourage anyone from experimenting with anything that he thought might work in his particular situation," he says.

The great leeway in using Title I funds to nowhere more evident than in the Central Consolidated School District No. 22 in the northwest corner of New Mexico. Central Consolidated takes in some 4,800 square miles of Navajo Reservation; more than 85 percent of its students are Navajo Indians, who for the most part still lead the same pastoral existence that they did in the days of the Spanish governors.

The typical Navajo child suffers not only from the primitive and harsh conditions of life on the reservation but also from an almost total lack of familiarity with the English language and from isolation from the greater society beyond the reservation. Merely getting him to come to school is often difficult, for many Navajos have not yet full accepted the values of formal education.

In order to give the Navajo child an opportunity for an education that will mean something to him, Central Consolidated is spending more than $465,000 in Title I money for a project on arts of communication that begins at the pre-primary level and carries on through high school. The project includes construction of such facilities as a reading and listening skills center, a language laboratory, and an eight-room pre-primary building, which should be ready this month.

In addition, Title I provides badly needed supplementary school health services and two well-balanced meals a day to supplement the Navajo child's monotonous diet of mutton stew. The school health program is run in cooperation with the United States Public Health Service, which has found among Navajo children diseases ranging from tuberculosis to sight-destroying trachoma.

Finally, the school district has sought to spread the word among the Navajos about these new Title I projects, in drawing up the district's proposals, Assistant Superintendent Wallace Cathey made provision for hiring an attendance officer and a Navajo interpreter. The attendance officer is not an old-fashioned truant officer but a college-educated, fully certified teacher. "His job is not to threaten but to inform," says Mr. Cathey.

By having someone to keep track of all the Navajo children in the district, the school system hopes not only to cut the high rate of absenteeism among the Indian youngsters but also to get parents of four- and five-year olds to enroll their children in the noncompulsory pre-primary classes.

Keeping track of all the Navajo children in the school district is no mean feat, however. The Navajos, who are believed to have one of the highest birthrates in the world, have only in recent years attempted to keep accurate birth records. Furthermore, because of perpetual drought and pastureland depleted by centuries of overgrazing, the Navajos have to move frequently in search of new grazing land and watering places for their sheep.

If this were not enough, some Navajo children are in the habit of changing their names whenever it suits them. Thus, at the beginning of a new school year, a fourth-grade teacher may have to go to last year's third-grade teacher to find out who "Richard Begay" or "Joe Garcia" really is as far as his school record is concerned.

The hiring of the attendance officer has resulted in substantial reduction of the absentee rate among the school district's 2,000 Navajo children. The public schools are even getting children they never knew were in their district before, like the eleven-year-old boy who recently showed up in school for the first time.

Until about ten years ago, less than one-fourth of the Indian children in New Mexico were in the public schools. The majority attended schools on the reservations run by the Bureau of Indian Affairs (BIA) and various churches. These schools had the disadvantage of (a) being mostly boarding schools, and (b) being totally segregated and, therefore, not giving the Indian child contact with children living off the reservation.

In order to permit Indian children to attend public schools with non-Indians, the federal government compensates needy public school districts for taking children from nontaxable Indian lands. The policy of the BIA and some churches is to provide schools only in areas not served by the public schools. Nevertheless, in some places they continue to accept children for whom public schooling is available.

"A lot of people seem to think that the Indians prefer having their children educated separately," says William Dwyer, superintendent at Jemez Springs. "The truth, I think, is that they would rather have their children in the public schools if they were sure their children would not be discriminated against."

Jemez Springs has an enrollment that is about 25 percent Pueblo Indian, and Superintendent Dwyer is using the district's Title I money in ways that he hopes will encourage more Indian parents to send their children to the public schools. "I'll take any Indian child who wants to come here," he says.

The emphasis at Jemez Springs is on pre-primary education and language arts. The pre-primary program is designed to get the Indian child at an age when he is receptive to learning what for him is a foreign language and to mixing more easily with non-Indian children. The program has one group coming in the morning and another group in the afternoon with both groups at school together for lunch, which is free.

In order to have an integrated program, Dwyer permits nondeprived children to enroll in the pre-primary groups, provided their parents pay for their lunch and transportation. To keep these children out of the program, Dwyer believes, would be to discriminate against the Indian children.

During the first few weeks of the pre-primary program, a number of mothers came from the Jemez Pueblo to see what the school was up to. Many have since come back to thank Superintendent Dwyer for what the school is doing for the children. Some even stay to assist the two pre-primary teachers on a voluntary basis.

An unexpected dividend, Superintendent Dwyer feels, is the responsibility his upper elementary students have assumed for the four- and five-year olds in the pre-primary. In the school cafeteria, one sees the older boys and girls hurrying through their own lunch so they can help the small fry (who eat afterwards) with their trays.

Much to the superintendent's satisfaction, the governing council of the Jemez Pueblo recently passed a resolution urging the Bureau of Indian Affairs to close its school in their area and allow all the students to transfer to the public school. Even though the recommendation has not as yet been followed by the BIA, it was looked upon by Superintendent Dwyer and his staff as a vote of confidence in what they are trying to do in their Title I programs.

In practically every Title I project mentioned thus far, teachers have been involved from the earliest planning stages to direction of and participation in the program. This involvement has been, to a great extent, the result of the five regional meetings held by the New Mexico Education Association in the summer of 1965. An average of 250 teachers and administrators attended each of these Title I briefings so that they could be prepared to offer not only suggestions but also to take part in the actual planning of projects.

An outstanding example of the kind of teacher involvement NMEA encouraged is the way Title I has worked in Tucumcari, a district with some 3,000 students, which is spread out over a vast area of eastern New Mexico.

When Warren Nell took over as the new superintendent at Tucumcari last fall, one of the first things he did was authorize the appointment of a Title I steering committee. Headed by Albert Thornberry, a sixth-grade teacher, the committee polled fellow teachers on what they thought were the most urgent needs of their disadvantaged students. The almost unanimous choice as the number one need was for a reading skills program at all levels above grade 3. Next came expanded health services, more counseling, and elementary physical education, which few New Mexico districts have been able to afford.

Acting as a coordinating group, the steering committee then set up subcommittees of teachers in each area of need, and at each level, elementary, junior high school, and high school. The district's lone school nurse headed the subcommittee on health services. The task of the subcommittees was to draw up proposals, including the kinds of facilities and equipment needed as well as the estimated costs. Except for the clerical work and some other details handled by the superintendent's office, all work that went into Tucumcari's Title I proposals was performed by teachers and principals, much of it in the evenings and on their own time.

Because of the lateness in receiving Title I funds last year, none of the proposals could be put into action until midyear. This posed quite a staffing problem in Tucumcari, as it

did in many school systems. Although the superintendent had teachers who were eager to take part in their own projects, he was reluctant to take them for fear of disrupting the regular school program.

Relying instead on finding new teachers among midyear college graduates, he was able to recruit a number of young teachers of "surprisingly high quality." These included a reading specialist with an M.A. plus twenty hours in her field, two young physical education specialists, and several others with specialized training.

"Although it accounts for only 8 percent of our budget, Title I has changed our whole program," says Superintendent Nell.

Title I has also made a significant change in the relations between the public schools and St. Anne's, Tucumcari's parochial school. In explaining Title I to various groups in the community, the superintendent assured officials at St. Anne's that their 100 or so children from impoverished families would not be discriminated against. In his Title I proposals he made provisions not only for having a counselor and some of his new teachers spend part of their day at the parochial school, but also for equipping a classroom at St. Anne's for a small-group, reading-skills program. The only condition was that all equipment, books, and other materials would remain the property of the public schools, as PL 89–10 requires.

Every piece of equipment Tucumcari purchased, with Title I money, including tables and chairs, bears a red plastic tag with white lettering that reads, "Tucumcari Public Schools Title I." The tags are Superintendent Nell's way of saying, "Title I is for all disadvantaged children, no matter where they go to school."

BYRON FIELDING.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE ELECTION IN VIETNAM

Mr. McGEE. Mr. President, I want to address myself for a few moments to the question of the election held on yesterday in Vietnam.

Much is written in the press and spoken over radio and television about things which go wrong. It seems to me that we should talk a little humbly and calmly about things which happen to go right.

The events which transpired in South Vietnam on yesterday, in the form of their voting for membership of a constituent assembly, falls specifically into the latter category.

I can remember listening on the floor of the Senate to the many critics of our general position on Vietnam. They were sounding the note of alarm only a very few months ago that there should be an election, and then when the election was ordered they were saying that it probably would not come off or if it did the election would be loaded, or something would be wrong with it.

I think there is enough of a record now to take quiet satisfaction not only in the fact of the election but also in the way it was conducted. To the best of my knowledge, until now, there is no measurable complaint as to any serious infractions or violations on the conduct of the election. When we bear in mind the circumstances under which it was conducted, it is all the more a tribute to the South Vietnamese people that they should have turned out in such large numbers under the grave risks they ran with the terrorist incidents. It bears good testament to the fact that they were at least willing to edge their way along toward a more representative process in the government of their country.

It is important not to jump to any dangerous conclusions that this will solve the problems of Vietnam. We are entitled to caution ourselves, and to assess the implication of the events of yesterday in the quietest of terms.

The election is a landmark. It is an important step forward. We should be proud of what has taken place in that regard. It is the culmination of a significant year, of great changes, and most of them for the better, in that part of the world.

It is a landmark election because, as many will recall, it looked as though Vietnam had really gone down the drain when the drive of the Vietcong and the North Vietnamese was pressing dangerously close to cutting South Vietnam in half at its narrow waist. But this situation was reversed because of the rapid buildup of the American presence there, and since then, the Members of this body who have been critical of the U.S. position in Vietnam have retreated from one excuse to another to find more cause to lament our presence there.

At one stage, the critics thought that we should stop the bombardment in order to invite a conference. We have done this twice. But that was not enough to satisfy the critics. They stated that the next step was that the government of Premier Ky would not hold together, that it was a totalitarian regime which could not command law and order or the support of any semblance of the people of South Vietnam.

In fact, when I was in Vietnam for the third time last April, in the midst of violent demonstrations, it was evident then that the demonstrations in Vietnam were more serious to the United States because of their interpretation here than they were in Vietnam at the time.

In any event, those troubled days last April, May, and early June, have long since disappeared into a far more stable and settled configuration. The regime of the existing Government seems to be riding very well at the moment.

The significant thing is that great steps have been taken for the better—and that is one of them.

At the same time, during my presence in Vietnam last April, the great concern was about inflation. Quietly, significant anti-inflation steps have been taken by the Vietnamese Government which are now beginning to show up on the constructive side of the ledger.

There is also a change in attitude among the many countries in that part of the world. There has been great headshaking in this Chamber about the fact that the rest of the world seems to be critical of us.

I have said on many occasions that we are not trying to run a popularity contest in Vietnam, that during the past century, when the world was experiencing its greatest stability, "perfidious Albion" was the best that could be said of the British on whose shoulders the responsibility for that order in the world had largely fallen.

We are not trying to make this a popularity crusade, or an "everyone loves America week," because of the role which history has thrust upon us in trying to restore some kind of stable balance of power to the world.

Even so, let us not lose sight of the fact that in this part of the world, largely in South Vietnam and east Asia in general, there has been a substantial shift in the climate of opinion. That shift is not without a real record of action as well as of words among the leaders of those countries, and in actions by the countries themselves.

In that connection, I invite the attention of the Senate to a discussion between a distinguished American columnist, Mr. Roscoe Drummond, and the President of the Philippines Ferdinand Marcos, who is shortly to arrive in this country. When President Marcos was asked what he thought of the presence of the United States in southeast Asia in this crisis, he replied:

> Of course it has been worthwhile. At first I was against sending our combat troops to fight in Vietnam because we in the Philippines were not sure of the firmness of the U.S. will to stick it out. Our doubts have now been wholly removed. The U.S. has made abundantly clear its determination to maintain its presence there.

The point that President Marcos made is the point that can be made in every capital in that part of the world, which has been hanging over the capitals of Malaysia, Indonesia, Thailand, Burma, and even Cambodia, if you will, as well as the Philippines; namely, the great question mark of American intentions, the great doubt as to whether America really meant what it said in the wake of World War II. It seems to me that we have removed all reason for those doubts. We have removed the question mark which has been hanging heavily over the policymakers of southeast Asia during the past year. As a consequence, not only the Philippines shifted their basic position during the past year, but so have other leaders in that part of the world. The Thais are in a much firmer position now than they were a year ago, whereas in many of the provinces in Thailand, their villages were being invaded by thousands of guerrilla cadres sent by the Red Chinese. That remains a threat, largely because the Chinese have had no new bases from which to purchase materiel, and no new sources from which to resupply. Therefore, it has been curbed. It has been held in check only because of the American presence in Vietnam.

Let me add, Mr. President, that the same judgment is held in regard to the sudden and fortuitous turn of events in Indonesia. As the President of the Philippines has observed on that point, largely because of the presence of the United States in Vietnam, the doubters in Indonesia, those who were not sure which side to turn to, which group to play with, had their doubts removed.

Our presence in Vietnam did, in fact, according to President Marcos, make the difference in this turn of events in Indonesia.

The Premier of the government of Singapore, Lee Kuang Yew, has further declared—although he has not been altogether friendly to our cause most of the time—that if the Americans were to pull out of Vietnam, his government and that of his neighbors would be immediately placed in jeopardy, and while he would hope that someday the Asians could reconsider their own balanced structure in that part of Asia, until they were capable of doing so, the American presence in Vietnam was an indispensable part of a more peaceful and stable future in that part of the world.

Burma, as to which we have received a great deal of criticism, refused to accede to the importunings of Peking to censure the presence of the United States. Burma refused to do it because of the change in opinion and the firm U.S. presence. Within the past few days Ne Win has been in this country, visiting President Johnson.

So these are some of the benchmarks in the last year that spell out the critical changes in attitude, opinions, and positions in the countries which are critically important to what is going on in southeast Asia.

I inject that along with the election in Vietnam because they all show that we are indeed moving ahead. We are indeed improving our position. We are indeed conditioning a more favorable climate for ultimately a peaceable settlement of the differences in that part of the world.

Let us remember, however, it must be a two-way street. Even so, the conditions make it more possible and there are emerging more clearly evidence that the people want to resist aggression, that they believe in independence, that they believe in the lawful processes, rather than a resort to aggression to achieve their goals.

These are the trends of today, and with the election in Vietnam yesterday we have another evidence of a climate that gives us hope that we will be successful in the kind of goal we are trying to achieve, in order that the Asians will have a chance to put their house in order. If we do not help them preserve that chance, no one else there is going to have an opportunity to do so.

So I want to pay my own salute to the Vietnamese for the limited but significant undertaking exhibited in their country yesterday.

Mr. President, I ask that editorials on the Vietnamese elections from the New York Times and the Baltimore Sun, as well as newspaper columns on our successes in Asia by Roscoe Drummond and Joseph Alsop be printed in the RECORD.

I thank the Senator from Mississippi for yielding to me.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Sept. 12, 1966]

SAIGON'S ELECTORAL VICTORY

The elections in South Vietnam were a success for Marshal Ky's Government and indirectly for the Johnson Administration. According to present available figures, three-quarters of the eligible voters cast ballots. This far exceeds Vietnamese and American hopes before election day.

The victory deserves full acknowledgement, but its effects should not be exaggerated. Candidates were merely elected to an assembly which will draw up a constitution leading to still another election in 1967 or 1968 for as representative a government as the situation and political backwardness of the people will permit.

Since large regions of South Vietnam are under Vietcong control, or subject to the Vietcong's threats, the election could not lead to a genuine popular majority. But, insofar as the South Vietnamese people, at this stage of their history could record a democratic vote, they have done so.

Marshal Ky, himself, has been an in-again-out-again candidate for the office of an elected president, but it is obvious that any future government would have to be either military or, if civilian, willing to prosecute the war. The conflict will go on pretty much as if the election, despite its undoubted value and success, had not taken place.

Hanoi's inflexible rejection of President Johnson's offer of a mutually agreed withdrawal of troops from South Vietnam shows that neither the time nor the circumstances are ripe for negotiations or a truce.

The block on the road to peace has been made clear again and again by both sides, as is was in the recent exchange. The United States says that Hanoi is the aggressor and North Vietnam says that Washington is the aggressor. Behind the simple accusations are all the complex forces of power politics, ideology, nationalism and emotions that make the war in Vietnam so stubborn and, for the moment, so intractable.

Yet, the effort to solve it and to bring about negotiations must go on. The United States cannot assume that Hanoi literally means, and always will mean, exactly what it says today. North Vietnam may one day accept the fact that the United States really intends to withdraw from Southeast Asia when circumstances permit, and Hanoi may also hope that the American escalation of the war will not continue to a point of no return.

In the diplomatic game that goes on behind the crack of guns and thunder of bombs, the ideals for which the United States stands gained a point in yesterday's election. The Vietcong, the North Vietnamese and the Chinese Communists lost by the same margin. The war goes on, but it has been proved that three out of four of those who could vote in South Vietnam braved danger and future risk to do so, and thereby expressed either support for or acquiescence in what the Saigon Government is trying to do.

[From the Baltimore (Md.) Sun, Sept. 12, 1966]

VIETNAMESE VOTING

Premier Ky said last week that the success of yesterday's South Vietnamese elections, the results of which may remain unknown for several days, cannot be measured "on a percentage of voters." He said also that not many of the voters understand what they would be voting for. As to the first point, it is but partly true. If the vote had been small, the chances that the elections would be taken by the South Vietnamese, and by others elsewhere, as the faint beginnings of popular government would have been seriously dimmed. As to the second, it may be true that most voters had no more than a faint notion of what the balloting is about.

In a way it is no wonder. The election is a complicated arrangement, set up not to choose a government but to name the members of a constitutent assembly which will be charged with writing a constitution. Once that is accomplished, if it does get accomplished, a government is to be elected, some time next year, under the constitution's terms. What those terms will be no one can say now—except that they will not be displeasing to the present ruling military junta, which has drawn the procedures in such a way as seemingly to guarantee for itself a power of veto over any portion it finds contrary to its own thinking.

Further to confuse the voters, Premier Ky has said, in contradiction to earlier statements (which themselves sometimes contradicted still earlier) that he may run for the presidency next year after all. To a good many Vietnamese who dislike military regimes this will sound like a declaration of intent by the military to stay in power, no matter what.

Other confusions are many. Some of them arise simply from the rules laid down for the campaign that led to the voting. These were elaborate and peculiar. The campaign was sharply limited in duration. Candidates were restricted in the time allowed to address such crowds as showed up to hear them, and the candidates for each place had to appear together. Then there was the boycott announced by the more militant Buddhists, the effect of which still today remains uncertain.

Then, and even more seriously, there were the acts of violence undertaken by the Viet Cong to hinder the voting, and perhaps just as effective, the hints and threats of violence. Some possible voters were certainly so intimidated that they refrained from going to the polls. How many cannot be known, today or later.

Yet for all the complications, vagueness and dangers, this election was worth holding. Not to have tried to move at all, now, in the direction of popular government would have been worse than to move in this way, tentative though this way is.

[From the Washington (D.C.) Star, Sept. 11, 1966]

OUR ASIAN ALLY—PHILIPPINE PRESIDENT HAS PRAISE FOR U.S. POLICY

(By Roscoe Drummond)

Americans will soon have in their midst a brave Asian ally and a superb advocate of the growing will of more Asian nations to unite in defending themselves against Communist aggression.

He has earned the esteem and respect of Asians and Americans alike. He will address a joint session of Congress on Sept. 15 and will speak to the United Nations a few days later. I believe he deserves to be heeded, whether one is a supporter or critic of United States actions in Vietnam.

The Asian spokesman is the young president of the Philippines, Ferdinand E. Marcos. In advance of his speeches in the United States, I wish to cite some of his views and insights which are not widely known.

Question. How do you think Indonesia escaped the attempted Communist coup?

President Marcos. It was only the American presence in Vietnam, I feel, which prevented the fall of the Indonesian Government into Communist hands. Not only Indonesia, but also other countries.

Question. Why do you feel this is true?

Marcos. The Communists supposedly plotted an effort to prevent a take-over by the enemies of President Sukarno. But it actually was an open and outright coup to take over the government. It was planned a long, long time ago. The situation became such that the Communists were certain, were very certain, not only of internal support but of support from outside.

Question. What intervened?

Marcos. When the American Government decided to increase its aid to South Vietnam, that knocked out all previous assumptions. But by then, the Communists had begun the initial moves of their operation and it was

too late for them to pull back. And very few people know this.

Many leaders who were wavering in Indonesia immediately realized that the Communist coup was going to fail. Also, with large U.S. forces in Vietnam, the Red Chinese would not have either the capability nor the inclination to send any help whatsoever to the Indonesian Communists. And that is exactly what happened.

Question. Then you think the United States action in Vietnam has been worthwhile?

Marcos. Of course it has been worthwhile. At first I was against sending our combat troops to fight in Vietnam because we in the Philippines were not sure of the firmness of the U.S. will to stick it out. Our doubts have now been wholly removed. The U.S. has made abundantly clear its determination to maintain its presence there. (The Philippines will soon be sending combat forces to Vietnam.)

The American presence goes far beyond the effect on the North Vietnamese and the Vietcong. The fight which the Communists refer to as the "fight for national liberation" is the single most important thing that will determine the state of affairs in Asia for the next century. You can hardly imagine what might have happened if there had been no demonstration of resolution on the part of the United States.

Question. Would it be helpful to have Red China in the U.N.?

Marcos. Unfortunately, as of now, the leadership of Red China is not willing to renounce war as an instrument of international policy.

To be eligible, she must be willing to live peacefully with her neighbors. When she is prepared to do so, let her leaders say so—and act so.

[From the Washington (D.C.) Post, Sept. 9, 1966]

MATTER OF FACT: DIVIDENDS ON VIETNAM POLICY

(By Joseph Alsop)

BANGKOK, THAILAND.—It is high time for someone to speak out, loud and clear, about the great success already achieved in Asia by the American effort in Vietnam. This does not show at home, where all eyes are upon the harsh, always continuing war. But it stands out a mile here in Thailand, in the aftermath of General de Gaulle's strange and haughty Asian oration.

Senator J. WILLIAM FULBRIGHT and his sympathizes used to warn the country, in hollow, tragic voices, that the American intervention to defend South Vietnam would make every Asian an enemy of the United States. If these warnings had not been wholly misleading, Eastern Asia should now be resounding with acclamations for de Gaulle.

Instead, the de Gaulle speech has been sharply condemned by the usually cautious Japanese; and in every other Asian country not aligned with the Communists, the speech has either been sharply condemned or simply treated as unworthy of comment. Nor is the response to de Gaulle anything more than the superficial symptom of a truly profound change in the Asian outlook.

The able Foreign Minister of Thailand, Thanat Khoman, summed up the change very succinctly. "A year and a half ago," he said to me, "there seemed to be no doubt at all that we should soon be faced with a Communist-controlled axis running from Indonesia to North Korea, and including the whole of Vietnam, Cambodia and eventually Laos. The pressure on the other Asian countries would then have been all but irresistible, and in some cases it would not have been resisted.

"That threat has vanished, now, and it can never be revived if the American effort in Vietnam is successful in the end, as I am sure it will be. Instead, the non-Communist Asian countries are now moving further and further towards forms of cooperation, even partnership, which have great promise for the future."

The Foreign Minister's colleague at the Development Ministry, the astute and experienced Pote Sarasin, put the matter even more concisely. Vietnam, he said, had been the decisive test, both of America's willingness to live up to American commitments and of the much-vaunted prospects of general Communist victory. "Suppose you had done differently," he continued. "Everyone is now convinced that the future does not lie with the Communists."

"But if you had done differently, it would be just the other way around. And in Indonesia, for instance, the sensible leaders would not be in any position to try to save their country from ruin, as they are now doing. Instead, everyone in Djakarta would be saying that Bung Karno was dead right all along."

A few days ago, the courageous Indonesian Foreign Minister, Adam Malik, also happened to pass though Bangkok. Throughout a long and absorbing afternoon's talk about Indonesian problems and hopes, there were always two underlying assumptions. The first was that the Indonesian Communists would have won in the end somehow, if the United States had left the Vietnamese to their fate. And the second was that the Indonesian future must still in a considerable measure depend upon a successful outcome in Vietnam.

There is much other evidence of the same sort, ranging from Seoul to Manila, from Rangoon to Singapore, where the position taken by the brilliant leader, Lee Kuan Yew, is particularly significant. In Asia, more than almost anywhere, politics are governed by an acute sense of the trend of events; and except for the eccentric Prince Sihanouk in Cambodia, Asian leaders see the trend today, not as de Gaulle sees it, but as Pote Sarasin sees it.

That does not mean, however, that we can take the Asians for granted, even if the time comes when our effort in Vietnam has succeeded. On the one hand, we cannot permit ourselves to indulge in the kind of arrogant outrage typified by Senator FULBRIGHT'S proposed investigation of American activities in this country.

Here is a country that has given the United States every kind of assistance imaginable and with the freest and most generous hand, all on one signed condition, that this assistance should not be too publicly discussed. It is not going too far to describe Senator FULBRIGHT'S plan to hold public hearings on these matters as a plan for giving aid and comfort to the enemy. If we want allies, we must treat them as equals.

Even if we manage to refrain from such self-righteous provocation, we must be prepared for surprises and even for shocks if and when we have succeeded in Vietnam. The main motive for the Asian cooperation that is being pushed by Foreign Minister Thanat is to assure the independence of the Asians, eventually including independence of the Americans. No doubt this independence may later be manifested in distressing ways. But the wiser Americans will take these manifestations as proofs of our success.

MRS. MARY T. BROOKS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3553) for the relief of Mrs. Mary T. Brooks.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. STENNIS] is recognized.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. Mr. President, I yield to the Senator from New Jersey.

HUDSON RIVER BASIN COMPACT

Mr. WILLIAMS of New Jersey. Mr. President, I have been requested by the majority leader to ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1556, H.R. 13508, to direct the Secretary of the Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program.

The PRESIDING OFFICER. Is there objection to consideration of the bill?

Mr. JAVITS. Mr. President, reserving the right to object, this is the first time I have had any notice that this bill would be brought up at this time. I should like to ask the Senator from New Jersey whether it has been considered by any committee.

Mr. WILLIAMS of New Jersey. Oh, yes, indeed.

Mr. JAVITS. Is this the measure known as the Ottinger bill with relation to a compact?

Mr. WILLIAMS of New Jersey. Yes; this deals with a compact between the State which the Senator from New York so ably represents, and New Jersey, the State of which I am the junior Senator.

Mr. JAVITS. When was it reported to the Senate?

Mr. WILLIAMS of New Jersey. It was reported to the Senate by unanimous vote of the Committee on Interior and Insular Affairs on September 8. There was one request to hold up consideration on the Senate floor which was made by the Senator from Vermont [Mr. AIKEN]. Let me frankly say that I, too, did not know the bill would be brought up today, but the Senator from Vermont is satisfied and has no reason to object either to its consideration or to passage of the bill.

Mr. JAVITS. Mr. President, since I have had no notice concerning this bill, I have to say now that I will object, but I may not have to do so necessarily later. I suggest at this time that the Senator from New Jersey withdraw his request.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of New Jersey. Mr. President, I must confess I thought the bill would be considered on Wednesday. I came into the Chamber at 10 minutes of 1—and it is now 1:25 o'clock p.m.—and only then learned that the majority leader wanted this bill called up.

I withdraw my request for consideration of H.R. 13508.

The PRESIDING OFFICER. The request is withdrawn.

CIVIL RIGHTS ACT OF 1966

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan [Mr. HART] to proceed to the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. STENNIS. I thank the Chair.

Mr. President, reams have been written, volumes of words have been spoken as to the reason for the poor showing of this bill.

Before debate proceeds any further, and for the record, I want to make a few remarks that are not directly on the contents of the bill but go to the discussion and some of the points about debate.

I firmly believe that the poor showing of the bill, so far, is because the people are against it; that is, the rank and file of the people across the Nation are against the bill. They will be against it in the forthcoming elections this year, In the years to come, the more they understand the bill, the more pronounced will be their opposition to it.

The average person still believes that he has some rights of his own under our system of government whether he be white or black or brown. He believes that some of his basic rights have been forgotten in this pellmell rush of agitation and competition among those in public life for the passage of a civil rights law by Congress on every conceivable subject. The white citizen knows that he is not only forgotten, but that he is the target of this bill. The white citizens all over this Nation realize this fact and most of them have had enough. Further, they have gone to saying so. I believe they will continue to say so, at the polls this year and next year and in the years ahead. As supporting evidence of my conclusion on this point, I cite the major change in this bill in the House of Representatives when the proponents of the measure were forced to agree to an amendment making the housing provisions thereof applicable to only 40 percent, as estimated, of the housing sales throughout the Nation. Various reasons were assigned for this change in statute, but the basic reason was the people back home have been heard from. There was great opposition, as I say, to the bill from the rank-and-file people.

The filing of amendment to the housing section and agreement to it by the proponents of this measure entirely abandoned the idea of the alleged principle upon which the bill was supposed to have been drawn. That amendment eliminates, as estimated, from the operation of the bill about 60 percent of housing transactions which occur in the United States in the course of a year's time. Thus, it was an act by the proponents of the measure in which they joined, at least, which repudiates the policy of the bill as expressed in title IV, section 401, which states:

> It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing throughout the Nation.

Further evidence of my conclusion on this matter is the almost total lack of interest in the present Senate debate.

Further evidence supporting this conclusion is that in each instance during the last several years when the people have had a chance to vote on this proposition of open housing they have voted it down by a substantial margin.

After laying down those very fine words as a policy, the measure as it comes to us turns around and immediately eliminates 60 percent of housing transactions in the Nation, and to that extent entirely abandons the policy written on the face of the bill.

That is an admission that it is not an alleged principle they are fighting for here. This is a political measure pure and simple, designed, not by all, perhaps, but designed by many, of those who are pushing it to the limit to get votes at the forthcoming election this year and in years thereafter. The only reason in the world they abandoned such a major part of it was that the backfire of the opposition to it was too great from the people back home. This backfire comes from areas outside the South, where we have felt so much of the impact of the other civil rights bills that have been enacted.

Further evidence of my conclusion as stated on this subject is the almost total lack of interest on the subject in the present Senate debate.

In my humble opinion the spectacle that the Nation has been given of trying to place the entire blame on the minority leader [Mr. DIRKSEN] for defeat of the bill has been pitiful. He stands on his own feet. He resists pressure. I commend him for it highly. But the idea, either from a party standpoint or the standpoint of a group of Senators, or from any other standpoint, of trying to bring the crushing weight, the politically devastating weight by some on his head because he has been firm and unyielding, is a tragedy in the political affairs of this Nation.

I say that the reason why the bill has not moved and the lack of interest is due to the opposition to having it enacted.

Further evidence to support my conclusion is that in the past several years, when the people of the Nation have had a chance to vote on the proposition of open housing, they have voted it down by a substantial margin. That applies to local elections, not to national elections, where the issue was sharply drawn. I refer to local elections not in one area, but in areas throughout the Nation.

I have been a Member of the Senate for some time, but I consider myself by no means wise in this matter or any other matter; however, there is no doubt in my mind that the proposed Civil Rights Act of 1966 is purely a political measure, drawn, presented, and urged for the purpose of getting votes from minority groups in the elections of 1966, in the elections of 1968, and in the years thereafter. If this bill is passed—although I do not believe it will be—we will see the same drive for the use of implied power to impose a code of conduct on the people of the Nation with respect to housing as is being imposed now in the South as to public schools, under title VI of the Civil Rights Act of 1964.

For that reason, I want to make some references directly to the power being used under some of the language of the Civil Rights Act of 1964, particularly as to schools. I am using it as an illustration because almost the same language to which I shall refer is also found in the bill as to housing.

When we passed the Civil Rights Act of 1964 we did not know what claims would be made, what the Department of Health, Education, and Welfare would do, or what the Department of Justice rulings would be under the language of that act. But later the Elementary Education Act was passed, and money has been appropriated. Now we are aware of what I strongly and firmly believe is a bald and bold assumption of power under the Act of 1964 as to schools, which is not only not justified by the general language of the act, but is expressly prohibited. Some of this conduct is expressly prohibited by language found in title IV, as I shall point out.

I want to make clear I make no attack on the administrator of that act at the level of the Department of Health, Education, and Welfare. I have no personal remarks to make about any of them. I know some of them have been very reasonable and very conciliatory and very understanding. There have been some who have not seemed to meet these qualifications, but I am satisfied that they, in a large way, are acting on orders from high authority.

I emphasize this now because it points unerringly to what will be done under the authority of the language of this bill should it become law.

This pattern of operation that I refer to is found in section 409(e) of title IV, which provides that the Secretary of Housing and Urban Development shall "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title."

The policy referred to is that which is contained in section 401, which provides that—

> It is the policy of the United States to prevent discrimination on account of race, color, religion, or national origin in the purchase, rental, lease, financing, use, and occupancy of housing throughout the Nation.

My point is simply this. Here is general language announcing a policy. Many pages over, buried in a relatively minor section, is the provision that the Secretary of Housing and Urban Development shall administer the program and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

So here we have a case of some very eager men trained in legal phraseology and the law writing a policy statement. I do not think policy statements have any place in hard legislation, anyway. If Congress cannot write down what it means and define what it means, it ought not adopt a general policy state-

ment. But here skillful draftsmen have written out a policy in the broadest terms, and many pages later they have put in language which provides that it is the affirmative duty of the administrator to carry out that policy.

Mark my words, if this bill does pass, there will be a ruling from the Attorney General or attorneys for some department putting these two clauses together and justifying almost every conceivable act that it is desired the administrator should carry out. The language is broad enough, as has already been proven by the school laws—and I will refer to some instances in a moment—to carry such a possible interpretation.

I cite this as fair warning of what is planned to be done by the bill. I do wish to point out one difference in the pattern of the bill under consideration and the other. In contrast with the school situation as it is today, large sums of money will not have to be paid out to persuade the people to submit to the pressures of the Department to enforce its interpretation of the law—and it seems that the drafters of the bill recognize that. Instead, the Department will have full power to proceed against every individual who does not submit to their interpretation of the housing title of the bill.

Further, the measure illustrates again that the people are gradually losing control of their own Government through the process of letting the leaders, who are interested in votes and in special subjects, write the platforms of the political parties, and thus bind the candidates to certain courses of action after they are elected. That fits hand in glove with a bill of this kind. It has been the pattern of conduct in many States, and even, I find, at the national level, for many years.

I shall illustrate by what happens at a State convention. The question of open housing, the same subject as title IV of the bill, is presented, and the adoption of open housing is urged before the platform committee at a State convention of a political party—either of the major parties; it does not matter which. The request is presented by a minority group aided and abetted by a few political leaders. No notice is given for possible objectors to appear in opposition. But that does not make any difference, because such things happen mighty fast once the door is open. Thus, the issue is not really drawn. The man who is at work, the man who is at home, does not actually take notice; but the platform writers, interested primarily in winning the election, take note of the voting strength of the bloc supporting the proposal, and then approve this particular plank in the platform.

Its approval on the floor is routine. The candidate who is nominated on the platform, regardless of what he may think of the provision, has to take it and agree to abide by the platform if he accepts the nomination. This is the general rule that is followed.

The opposing political party—and here is an important step, Mr. President—the opposing political party in the same State, noting what has been done by its rival party, will then adopt the same, or substantially the same platform on this subject matter, largely because it wishes thereby to avoid the question being an issue in the campaign. In the same manner, the nominee of that party usually considers himself bound by that particular plank in the platform, and is pledged to it.

Thus we have the two most formidable candidates, plus the platforms of the two leading political parties, backing the proposal 100 percent, whether it is their personal conviction and position or not.

Where does this leave the average voter who is opposed to the entire proposal? It leaves him entirely out. He has never his day in court, except in the most indirect way. These two platforms of the major parties and these two candidates, as a practical matter, leave this average little fellow out, and he has no way to express himself on the subject politically. In my humble judgment, this has been going on for years and years, not only on the subject of civil rights but many other subjects, and that is the principal reason for much of the mountains of legislation along this line.

Some may say that I am making this statement just as an expression of protest by a Southern Senator. What I am saying, I am satisfied, is a basic truth; and these truths still live in the hearts and minds of many American people. Someday these truths and these sentiments will find expression in proper leadership and in the voting booths of the Nation. These millions of people are seeing money appropriated for educational programs now, and then used in such a way as to enforce extreme interpretations of civil rights laws. Those extreme interpretations are made by administrators, who expand the meaning of a provision in one section of the Civil Rights Act of 1964, and at the same time ignore the plain mandates of other sections of that same law, dealing directly and expressly with the subject of schools.

I refer, Mr. President, to title VI and title IV of the Civil Rights Act of 1964, which prohibit, among other things, the busing of schoolchildren. These interpretations ignore assurances solemnly given on this floor—right here on the floor of the Senate—during debate on the civil rights bill of 1964, by those who were handling the bill as its proponents.

I know this. The RECORD not only shows it, but I definitely remember when it happened. I was here on the floor, taking part in the debate, at the time. I refer to assurances such as those given by the then Senator from Minnesota—Mr. HUMPHREY—now Vice President of the United States, as well as to arguments made by the Senator from Rhode Island [Mr. PASTORE].

Let me make clear here, Mr. President, that my references to these esteemed gentlemen and Senators are in no way personal. I am just quoting here from what they said—and I know they meant what they said. I thought so at the time. I know what their remarks pertained to, and I have those quotations now before me, and will go into them.

Mr. President, the present Commissioner's program for balancing the races, as now carried out, is not only unauthorized, but it is in direct violation of section 407(a) of title IV of the Civil Rights Act of 1964.

Let me make clear that I still advocate, as always, that when matters have become law and are established as such, they must be obeyed; so there should be no inference whatsoever from my remarks here that I am encouraging violation of the law. My objection is to the interpretation of the Civil Rights Act of 1964.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Was it not a fact that some of us pointed out at the time that someone might construe the Civil Rights Act of 1964 as permitting the Federal Government to press for a so-called racial balance?

Mr. STENNIS. Yes.

Mr. LONG of Louisiana. Is the Senator not referring to the fact that the then manager of the bill, Senator HUMPHREY, from Minnesota, pointed out that that was ridiculous, and nobody had any such thing as that in mind?

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. Was it not said we need not fear that kind of thing, and that no amendment was necessary to clear up the matter?

Mr. STENNIS. The Senator is entirely correct, and I have before me the portion of the law that was under debate, the proposal that was then under consideration, together with what the Senator from Minnesota said about it, and the interpretation now being given to that section.

Mr. LONG of Louisiana. Have we not found, even though assurances were given to us here on the floor that no such thing would be undertaken, that they have now undertaken to do just that?

Mr. STENNIS. The Senator is entirely correct. He has anticipated my points, and has stated exactly what has happened. Those assurances then given us, and those statements then made are treated now as rubbish, and thrown in the ashcan.

Another interpretation, directly in conflict, is now given by the executive branch of the Government to those assurances. I will cite the section.

My reference has been to section 407 (a) of title IV of the Civil Rights Act of 1964. That section provides:

> Nothing herein shall empower any official * * * of the United States to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance * * *.

Senator HUMPHREY, floor manager of the bill, was emphatic and unequivocal that this limitation in title IV applies to the entire act and particularly to title VI.

I point that out because title VI of the 1964 Civil Rights Act is the provision to which the administrators now look for their claimed authority to compel racial balance in schools. In the debate on the bill, on June 4, 1964, Senator BYRD of West Virginia specifically asked what

the word "herein" meant in section 407(a). Senator HUMPHREY replied:

It means within the Act.

Senator BYRD inquired further:

Does it mean the act or the title?

And Senator HUMPHREY again replied:

It means the act . . .

Senator BYRD then asked a very prescient question:

But would the Senator from Minnesota also indicate whether the words . . . would preclude the Office of Education, under Secton 602 of Title VI, from establishing a requirement that school boards and school districts shall take action to relieve racial imbalance wherever it may be deemed to exist?

Senator HUMPHREY's answer was:

Yes. I do not believe in duplicity. I believe that if we include the language in title IV, it must apply throughout the act . . .

He said, in other words, that the language appearing in that title with reference to the subject of schools would apply throughout the entire act.

Mr. President, I point out again that title IV of the Civil Rights Act of 1964 deals with the subject of schools and with nothing else.

The administrators, in their administration of the law, are looking to title VI for their claimed authority to run the schools. They are not relying on the school title. Such action is an insult to the intelligence of Congress.

If the administration intended to do that, why was there a title IV to deal with schools?

The then Senator HUMPHREY, now Vice President, later in the discussion, added:

The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation [of the Constitution] because it would be handling the matter on the basis of race and we would be transporting children because of race. The bill does not attempt to eliminate segregation in the school systems. The natural factors such as density of population, and the distance that students would have to travel are considered legitimate means to determine the validity of a school district, if the school districts are not gerrymandered, and in effect deliberately segregated. The fact that there is a racial imbalance per se is not something which is unconstitutional. That is why we have attempted to clarify it with the language of Section 4.

Senator HUMPHREY was supported by Senator JAVITS, who was prominent in the drafting of the bill. In responding to Senator BYRD's query, Senator JAVITS said:

Taking the case of schools to which the Senator is referring, and the danger of envisaging the rule or regulation relating to racial imbalance, it is negated expressly in the bill, which would compel racial balance. Therefore there is no case in which the thrust of the statute under which the money would be given would be directed toward restoring or bringing about a racial balance in the schools. If such a rule were adopted or promulgated by a bureaucrat, and approved by the President, the Senator's State would have an open and shut case under Section 603.

These authoritative statements by the sponsors of the bill and the language of the act itself make it clear beyond doubt that the Civil Rights Act of 1964 does not empower any Federal official to compel the balancing of the races in the schools. Nevertheless, that is exactly what is being done, and the present bill contains even fewer safeguards against such arbitrary administrative action than the 1964 act. Can anyone believe for a moment, that with such a record behind them, their action will be any more restrained or any more consistent with the intent of Congress in the future under this bill?

Mr. President, to point out further what is being done under the law that we referred to, in spite of the assurances given by Senators here on the floor of the Senate, let me refer to the current guidelines for schools. In reviewing the school desegregation plans, the Commissioner declares that he will be guided by the following criteria:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1965–66 school year, total transfers on the order of at least twice that percentage would normally be expected.

The Commissioner, in other words, is giving us the score. He is in effect saying:

What was your percentage last year? Before we let you have any more money, you will have to have at least twice as many on a percentage basis.

That is directly contrary to what is contained in the law and to what the Senators said in debate on the floor of the Senate.

I remember one Senator said:

I am in a position of responsibility here, and what I say will have a bearing on this law.

He was correct. He was the floor manager of the bill.

I continue to read the criteria set out by the Commissioner:

(2) If a smaller percentage of the students, such as 4 or 5 percent, transferred from segregated schools for the 1965–66 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1965–66 school year.

(3) If a lower percentage of students transferred for the 1965–66 school year, then the rate of increase in total transfers for the 1966–67 school year would normally be expected to be proportionally greater than under (2) above.

(4) If no students transferred from segregated schools under a free choice plan for the 1965–66 school year, then a very substantial start would normally be expected, to enable such a school system to catch up as quickly as possible with systems which started earlier. If a school system in these circumstances is unable to make such a start for the 1966–67 school year under a free choice plan, it will normally be required to adopt a different type of plan.

Mr. President, these criteria clearly impose a direct obligation to balance the races in the schools according to an arbitrary standard set by the Commissioner.

What is the penalty if this is not done? The penalty is the most cruel blow of all to a school administrator.

The Commissioner says: "If you don't do what we say, we are going to withhold the money."

This is going on all over our area of the country now. I do not know whether it will ever happen in any other place in the country. If it is being done in one section of the country it certainly should be done in every other section.

There are many other areas of this Nation in which these school conditions exist on percentages far lower than the requirements being set here now.

The authorities issued an order that—

For the first few years at least, if you have had a pattern of integration before, we are going to let you have the money. We are going to leave you alone and let you have the money.

Something came up in Chicago recently. I am not familiar with all of the details. However, there was some argument about the situation in Chicago and the authorities withheld that money temporarily.

As I recall, Mayor Daley went into the matter, and they had some very strong conferences, and that temporary restriction was removed, and they paid the money.

Clearly, these criteria set forth in the current guidelines impose an obligation to balance the races in the schools according to an arbitrary standard set by the Commissioner. When these criteria are combined with the Commissioner's dictates on transportation, they add up to a requirement that students be bused to overcome racial imbalance in the schools.

Elsewhere in his guidelines for free choice plans, the Commissioner directs that—

Where transportation is generally provided, buses must be routed to the maximum extent feasible so as to serve each student choosing any school in the system.

This is clear violation of section 407 (a) of title IV, declares that—

Nothing herein shall empower any official . . . of the United States to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance. . . .

Mr. President, this is somewhat technical, but these regulations have the power of law, they have the power of life and death with reference to the payment of the money. There is absolutely no warrant whatsoever in the Secretary's regulations for the racial quotas which the Commissioner has adopted as a condition to Federal assistance. The regulation issued by the Secretary imposed, first, in the langauge of section 601 of title VI, a general prohibition against discrimination in programs receiving Federal aid, and this is followed by six specific prohibitions against:

First. Denying any person the benefits of a program on the basis of race;

Second. Providing, on the basis of race, benefits which are different or are provided in a different manner from that provided to other persons;

Third. Subjecting any individual to segregation or separate treatment on the basis of race in any matter related to his receipt of benefits;

Fourth. Restricting any person on the basis of race in his enjoyment of benefits received by others.

Fifth. Treating any person differently, on the basis of race, in determining

whether he is entitled to benefits under the program;

Sixth. Denying any person an opportunity to participate, or affording him an opportunity to participate differently from that afforded others, on the basis of race.

These prohibitions are the extent of the substantive requirements of the regulations. They are all couched in the negative, enjoining discriminatory action. None commands affirmative action to achieve any arbitrary degree of integration. None authorizes the assignment of racial quotas to be filled by a school before Federal assistance is forthcoming.

Mr. President, we have the sad fact in this situation that these interpretations of title IV were given on the floor of the Senate by responsible men, who were in responsible positions and spoke with authority on those provisions. I know, within reason, that it was in cooperation with and in coordination with the Department of Health, Education, and Welfare, the Office of Education of that Department, which was to handle the bill. The administrators treated it as so much rubbish, although given in good faith by these Senators. It was treated as so much rubbish and was thrown into the ashcan by these Administrators of funds for elementary education as applied to schools in the South.

I want to make clear that I do not attack these Administrators personally. I know in my mind and heart that they are carrying out instructions from higher powers, from high authority, and they are told to institute rules and regulations to this effect and to get results. They are told to make a showing.

I want to illustrate one situation that I know of to my personal knowledge which existed in an area in my State where colored people live. Most of them live in one corner of this country, and they had a very fine school there. They were homeowners, landowners, farmers, many of them thrifty and industrious people. They were interested in their school. They had worked for it for years and had built it up.

Under these mandates that I have been talking about, that school board was told:

> You have to abolish your school. Abolish it. We won't give you a dime until you abolish that school.

This meant that they had to take those children out of that community and take them into some other community and put them in other schools.

The last I heard of that case was that the school board declined to do it, and forfeited the money. That area is not in one of the prosperous counties.

Not all of them are financially able to do what they want. But that is not the question.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I shall yield in a minute.

The question is the proper and correct interpretation of this law. The law must be followed. But interpretations are now given it that are wholly without authority and without foundation and therefore are not right. They do not have moral force behind them, because they are beyond the proper interpretation of the letter of the law.

I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does not the Senator find it a travesty that some of the poorest counties in the entire country are taxed to provide funds to aid education in other parts of the country, and yet are denied the opportunity to share in the tax money toward which they have contributed, though they need it the most? And is it not especially unfortunate for that to be the case because some Washington administrator refused to interpret the law the way it was intended to be interpreted and as explained by the managers of the bill in the Senate?

Mr. STENNIS. The Senator is correct.

But that is exactly what is happening. They carry out these mandates that are justified only by the general language of title VI. They are directly prohibited by some of the mandates of title IV.

Nevertheless, these requirements are made; and instead of helping schools and making them move forward, they are trying to close some of them down, and it has proven to be a hindrance to education.

I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. In the same field about which the Senator is speaking, I wonder if he has run into the question of poorly qualified and hopelessly inadequate persons being sent out to lay down the law in the country areas of his State or in any State that he has observed.

Mr. STENNIS. I want to say this to the Senator from Florida: We have had some very fine and very magnificent people from HEW dealing with the fine school people in our State. I have in mind a very gracious lady, Dr. Elizabeth Cole. She was very understanding and of high quality. Unfortunately, she passed away toward the end of 1965. I want to pay tribute to her as being fine and upstanding. There have been others similar to this lady. But along the line others have been more or less arbitrary and demanding. The total effect has been to demean and downgrade and degrade the teachers who have the responsibility of operating the schools and educating the children.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HOLLAND. We have had a rather bitter experience in our State, in a group of northern counties, where the Negro population is very large. In fact, in some communities it exceeds the white population. We have had this experience: Four young people were sent into these particularly difficult counties to contact superintendents of public instruction who have served for years, principals who had been in charge of schools for years.

The oldest member of this team was 26; the others ranged down from that age. All of them were undergraduates—two of them law students—in the sophomore year, as I recall. I will have these facts and names for the RECORD when I have the opportunity to speak.

This particular team, consisting of both white and colored youngsters, traveled through those counties and left a path of disorder behind them wherever they went, because they so greatly aroused the antagonism of the professional school people, who have been spending their lives in education, by demanding things that were impossible of performance and that had nothing to do with any correct or reasonable standards under the act, and without being able to cite any authority for the demands that they made.

I wondered if the Senator had had troubles of that kind.

This caused quite a commotion in our State. I must say that when the matter was called to the attention of the Secretary of Health, Education, and Welfare—or the principal office here which handles it—they were all recalled.

More mature people were sent in. But this indicates the careless and unreasonable way in which authority has been given to people who do not have the requisite background at all. All four of those people had, among them, only 1 year of teaching experience. They were given the authority and responsibility of telling school officials what they should do in order to comply with the law.

Does the Senator think that that kind of enforcement, in a touchy subject matter such as this, is at all discreet, at all reasonable, at all apt to find the compromise, the give and take, and the acceptance that is necessary before a program of this kind can work in any constructive way?

Mr. STENNIS. I fully agree with the Senator. I am saddened to hear of the experience he has had, of the demands for results, demands for statistics, and the demands to make a showing. Our school people should not be subjected to such tactics.

I known that the fine teachers in Florida have the same attitude as teachers in my State and States all over the Nation. Our teachers and administrators are dedicated, professional people. They certainly do not serve for pay alone. That is not their primary objective. Most of them are humanitarians. They go far beyond the first mile. They go the second mile, the third mile, and often the last mile possible for a human to go in service to our children.

I think that next to the clergy, the teachers are the backbone of this Nation, not only in our school systems, but our system of government, because without their help our system could not continue.

I highly commend the Senator.

Mr. HOLLAND. I agree entirely with the analysis of the Senator as to the importance of professional teachers.

I hope some time to get the opportunity to make an address during this debate. I have been ready twice already, as the Senator knows. We have been deprived of that opportunity by the failure to produce a quorum on the part of those who advocate this legislation. I do not know why they are unwilling to debate the matter and unwilling to have the matter come to a head, but I have been hoping

to have the opportunity to read a communication on the subject I have just mentioned from our State superintendent of public instruction, who is an eminent teacher and citizen. He is running now for election, statewide, without opposition, either Democratic or Republican. He is a very mind-mannered man, and slow to express anger, and yet he is completely disillusioned by the kind of treatment the authorities have gotten from a large number—not just these four—but a large number of these agents who have been sent into our State to enforce standards which are not in accordance with the law and not laid down in any reasonable certainty.

I congratulate the Senator for going into this subject. If anything could bring a complete failure of title IV of the 1964 act, which the Senator mentioned and is discussing, it is this kind of administration of it, this kind of trying to ram things down the throats of our trained people who know their business and who think their people are enforcing the law. They run into this kind of attempted direction from untrained and more or less impassioned enforcers of the law who think they are there like angels presenting a message of freedom to people who are downtrodden. That is not the case in my State.

Mr. STENNIS. I thank the Senator. The Senator has made a contribution to the debate here today. I hope that later he will have an opportunity to discuss the bill, after he obtains the floor in his own right, and discuss these and other matters in the fine way in which he took an active part in the debates of 1964, as he did in most of the major debates. I know that his background as a former Governor and one interested in schools especially qualifies him to speak on this subject. I know our school administrators have to come to Washington or some place in Mississippi where they are told to come with their hat in their hands. They have to come begging. They have to come as educators should never have to come before any group, whether it be those appropriating the money or those making the law, much less those that hold merely administrative positions and acting under rules and regulations drawn contrary to some of the expressed provisions of this law.

Mr. President, this is a fair warning. We did not know in 1964 what kind of administration we would have of such laws as this touchiest political subject—civil rights—though some of us tried to give timely warning then, this might happen; but now we know. Should the housing section of this pass and the same thing should happen again, those who support it will have twice ignored a most urgent warning. We now know the pattern and the demands.

Mr. President, the people in other parts of the Nation have not been subject to these school requirements but they are taking notice. They are gradually taking notice of these things. They have not felt the lash of this policy of administration as yet, but they will feel it. Their time will come, unless it is only going to be an open pattern of sectional administration under these rules, as it started out to be.

Under this pattern, started in our area of the country, the strong hand of the Federal Government, flush with billions of dollars appropriated for education, will get to every part of the Nation and will invade every school in the Nation; that is, unless there is a deliberate plan to continue this sectional pattern.

The working people, the middle-income people, all groups of people will awaken some morning to find that their schools, their local schools as they have planned and built them, have been taken away. They will find their children carried away to some strange community, and in their places strange children from some far and new community will be brought in. This will be your fate under the present administration of the Civil Rights Act of 1964; that is, unless this sectional pattern is to continue.

Mr. President, the time will come for those in other areas, unless the people become aroused and stop it. The bill under debate now contains language which can and, I believe, will become the germ of the same pattern of operations in its administration as is now being followed by the strained interpretation of the Civil Rights Act of 1964. The people, the rank-and-file people of the Nation, sense this. They do not want to become the victims of such a pattern of operations. They are opposed to this bill in spite of all of its expressed motives. Their opposition is deep and sincere, and based on commonsense.

Mr. President, referring to some of the specific language of the bill under discussion, no complaint is required by the terms of this bill for the Secretary to launch an investigation. If, on the basis of information available to him, he has reasonable grounds to believe a violation may have occurred, he can open an investigation. Here we may find our experience in the South instructive. Federal administrators consider it to be irrefutable evidence of a violation of a new civil rights law that the prohibited activity was engaged in before passage of the law. No promise or assurance of future compliance will satisfy them, and they do not wait for a new violation. They pounce on those of the past and, with a vengeance, enforce the law retroactively. Thus, any neighborhood which traditionally has been segregated, any owner or agent who has never sold to a person of color in the past, will be faced with the prospect of an investigation by the Secretary of Housing and Urban Development the very day that the bill would become law.

If the Secretary finds a violation, he makes a complaint to the Fair Housing Board which is created by title IV. The Housing Board will appoint some "person or persons" to prosecute the violation, and the property owner and his records may be again subpenaed.

Title IV gives the appearance of carefully defining the activities which the Secretary and the Housing Board may superintend. In reality, the conduct covered is limitless. The illusion of specificity created by enumerating several prohibited acts is shattered by looking at paragraph 7 of section 403. It makes it unlawful:

> To engage in any act or practice, the purpose of which is to limit or restrict the availability of housing to any person or group of persons because of race, color, religion, or national origin or number of children or the age of such children.

This provision, in effect, delegates to the Secretary and the Board the power to revise and amend section 403 at will. Any act or practice which Congress omitted, but which they conceive to be discriminatory, automatically becomes a violation of the statute. It opens the way to complete control over the location, size, and price of new housing. If a builder or developer selects a site in a segregated area or builds apartments too small to accommodate children, or too expensive for "disadvantaged minorities," he may find himself in violation of title IV. It empowers the Secretary and the Board to impose occupant quotas on real estate brokers and apartment houses.

I point out this broad language, to make it unlawful to engage in any act or practice, the purpose of which is to limit or restrict the availability of housing, as being entirely out of place in a legislative act. I am satisfied that under the general rules of interpretation a court would strike it out as being too vague, indefinite, and uncertain. Language of that kind is never found anywhere in the courts except sometimes in an injunction pertaining to a party who is already expressly before the court and has already had a chance to be heard and to be represented by counsel. Then general language like this is put in an injunction, but before any punishment is involved, that same person would be brought before the court and have a chance to be heard on the same violation and be represented by counsel, and the testimony would be heard pro and con. Here we are asked to place in the cold, hard letter of the law a provision empowering an administrator to declare any act or practice unlawful that he might think limited or restricted the availability of housing. This goes beyond all reason and commonsense.

If paragraph 7 is not sufficient to secure absolute authority over community development, the Secretary can draw on paragraph (e) of section 409, which directs him to "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of" title IV.

Even where there is no authorization for affirmative action, as in the Civil Rights Act of 1964, Federal administrators are in the habit of interpreting a policy against discrimination as requiring integration. Thus, in conducting investigations and filing complaints under the open housing provisions of title IV, as well as in approving grants under Federal aid programs such as the recently passed demonstrations cities bill, which relates to every element of community life, the Secretary will be in a position to force the balancing of the races in every neighborhood throughout the land,

on whatever basis he may have in his mind at that particular time.

When we start to add up all the Federal investigators, administrators, prosecutors, checkers, and double-checkers that are loose in the land, it is unthinkable that Congress would pass such general, far-reaching, loose-language legislation as this.

Further, as introduced by the administration, the bill would have brought every private home and homeowner in the country under the jurisdiction of the Secretary of Housing and Urban Development. The bill would have covered nothing less than 100 percent of the Nation's housing. When it became apparent that a bill so broad in coverage could never pass, its proponents fell back on the age-old device of divide and conquer. Purely to gain votes, the bill was amended to exempt individual homeowners.

This restricted the application of the bill to an estimated 40 percent of the housing. I do not know how accurate that estimate is; but the opposition was reduced enough to pass the bill in the House of Representatives.

But, Mr. President, every well-informed schoolboy knows that if we let this bill become law, the die will be cast, the pattern will be set, and they will be knocking on the door with all the combined pressure that can be mustered throughout the entire country to wipe out the "discrimination" of this House of Representatives amendment, and make it across the board. And in principle, if Congress has the right to regulate some of the people with reference to how they can sell their homes, it is under an enduring responsibility to regulate all of them, rather than exempt a group in order to overcome a political hazard.

Mr. President, part of the tragedy of the whole picture that has been presented is that they justify this measure, or try to justify it, under the commerce clause of the Constitution. It is an insult to the intelligence of every citizen of sound mind in the country to tell him that his house is subject to Federal regulation because it is a part of interstate commerce. Merely to state the proposition is to reduce it to an absurdity. Perhaps the Attorney General might be able to persuade himself, with a series of subtle legal fictions, that a house moves into interstate commerce, and a Congress eager for results and heedless of the Constitution may accept his assertion that it is so, but the average citizen will certainly be amazed to hear it. A claim so obviously contrary to commonsense can only encourage the growing disrespect for law.

If I may, Mr. President, I can give an illustration. As I have said, the provision which would apply to individual homeowners is not in the bill now. It has been taken out by the House of Representatives. But the passage of this bill would be an open invitation for an extension of it.

I know of a home, in the small town in which I live, that was built 35 years ago. It is standing there now largely as it was when it was built. It, of course, has never been in any way affected by interstate commerce of any kind. There is nothing in that home that ever moved in interstate commerce, except perhaps the nails and some metal, some decorations and some electric wires. Most of the house was built of local timbers. Perhaps the roofing moved in commerce.

There has never been a Federal dollar in that home. There never has been any dollar in the home, because it was paid for when it was built. The man and his wife have reared their family there. It has never been anything except a dwelling house for them. Of course, it has never had any kind of a Federal function, and has never had any public function or public aspect of any kind.

Now, 35 years after it was built, this provision in this bill has come along, and would declare it to be in interstate commerce. As I say, it has been the home of that family, and the only home they have ever had. They reared all their children there, and still live there. But this provision would have declared that to be interstate commerce; and therefore, these people could not have sold that home, they could not have advertised it for sale, or anything of that kind, without complying with the Federal requirements, and subjecting themselves to inspection and having an agent looking over their shoulders; and if they had not complied with all that, even though they might have been selling it to their next door neighbor, who had lived there 30 years or more, he would run the chance of having the sale set aside, or even being prosecuted for violating the Federal law.

Mr. President, if we have gotten down that low in the barrel of regulations and policing of people, as one who has supported wholeheartedly the war in Vietnam, I ask, if we are down that low with our own people, in taking away their liberties and freedom, why are we sending our boys over there to fight on the other side of the world? I say that emphasizing that I support the war 100 percent. But if this is to become the law of this land, what is left of the little fellow's freedom?

As another illustration, I think of another couple who have been paying monthly payments on their home for 10 or 12 or 15 years. They are looking forward to the time when it will be paid for. Suppose that happy time should arrive. If this bill as introduced should become law, they would find out they did not own that home, they could not dispose of it or sell it, that it was not theirs to dispose of as they wished, or to rent somebody a part of it, without this Federal supervision, somebody there controlling and directing the sale, and that they faced the prospect of having their title set aside, for violation of the Federal law.

If that is what the people of America want, under some other guise, for some wholly immaterial reason, that is what they can get. But I believe that when they wake up and realize what these laws mean, and what the operation of them is, that, as I have already said—and I merely refer to it now for emphasis—there will be an uprising at the polls, and there will be a rewriting of some of the laws of the land.

While beguiling sophistry is being used to make new law under the commerce clause, blunt power is being used to unmake old law under the 14th amendment. Title V of the bill makes it a Federal crime for an individual to injure or interfere with a person because of his race while he is engaged in any one of several activities such as renting a house, riding on a common carrier, or eating in a restaurant. Congress is urged to assume this local police power over private individuals under the authority of the 14th amendment.

For almost a hundred years it has been held by the courts and believed by the bar that the 14th amendment prohibits only State action and does not apply to purely private individuals. This uncommon unanimity of legal opinion is explained by the fact that the 14th amendment itself refers specifically to State action and makes no mention whatever of individuals.

On March 28, of this year, however, six Justices of the Supreme Court announced, in the case of United States against Guest, that "a majority of the Court today rejects this interpretation." In one paragraph of dicta the Court rewrote a century of legal history and the Constitution as well.

With this advisory opinion in hand, the Attorney General hastened to Congress with an invitation to join the executive and the Court in amending the Constitution. The Court had authorized the law, the executive had drafted it, and all Congress need do was rubberstamp it. Congress, however, cannot discharge its duty to the people and the Constitution by blindly approving every off-the-cuff opinion of the Supreme Court or meekly surrendering to every demand of the executive. The people expect, and the Constitution requires, that Congress bring its own independent wisdom and judgment to bear on the question. It cannot faithfully delegate that responsibility to six Justices and the Attorney General. Indeed, Congress labors under a heavier responsibility precisely because of the Court's advisory opinion. By upholding in advance the power of Congress to enact this legislation, the Court has served notice that here in the Congress is the only place where the issue will be given a full and fair hearing.

Considered on its merits and apart from the Court's advisory opinion, it is clear that title V is unconstitutional, but if it is passed it will be enforced and upheld. To agree to it, therefore, is to amend the Constitution. For once, however, Congress is in a position to halt the Court's efforts to circumvent the amending process. This flagrant attempt to amend the Constitution cannot succeed without the active cooperation of Congress. If Congress stands firm on established constitutional principles and refuses to sanction this seizure power, it can repel this latest assault on the Constitution.

To demonstrate how far title V would take the Federal Government in supplanting local police functions, let us

examine for a moment one of its specific provisions. Paragraph 3 of section 501, for example, makes it a Federal crime to threaten or injure anyone because of his race while he is "participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States or by any State or subdivision thereof."

In this day and time it is difficult to imagine a more comprehensive basis for Federal jurisdiction. Considering the combined activities of Federal, State, and local governments, there is probably not a person in the country who is not covered several times over by this provision. If any one of them any where, any time, should fall victim to interracial violence, the Federal Bureau of Investigation would have the authority and the duty to conduct an investigation to determine whether the attack was "because" of race or national origin. If the investigation should disclose probable cause to believe the assault was racially motivated, the Attorney General would have the authority and duty to prosecute the case in Federal court.

Mr. President, I appreciate the indulgence of the Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. STENNIS. I am ready to yield the floor, if the Senator wishes.

Mr. LONG of Louisiana. Mr. President, the Senator has made a very fine point and has made a great speech, and I congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. LONG of Louisiana. May I say to the Senator, it seemed to some of us, when the Civil Rights Act of 1964 was passed, that the sponsors of that act had undertaken to provide for all the compulsory racial integration and for every type of desegregation that anyone at that time could think of or justify.

Since that time, it would appear to some that perhaps those who would like to humor these marchers and these demonstrators and rioters in the streets apparently have just run out of something reasonable to advocate, when they come in with a bill like the one now advocated here. I ask the Senator if that is not the impression this kind of bill gives him.

Mr. STENNIS. I think so. The Senator was called out of the Chamber for a few minutes when I started my speech. I said that this was born as a political measure.

So much has been doing along the lines of civil rights, and passing legislation, in the last few years, it cannot be digested by the Government or by any group, and they are still preaching and marching in the streets. But I do not mean to get off on that.

The Senator is correct. This is not a matter of real need; it has no justification in law. It is just getting something else to offer the group for political reasons.

I thank the Senator, and I shall listen to his speech with the greatest of interest.

Mr. LONG of Louisiana. Mr. President, for more than a week now, this body has been engaged in serious debate, just as it has been for similar periods in the last several years, over an administration civil rights proposal. Extended debates of this sort are always trying to the Members, but the atmosphere is always one of courtesy and geniality, and it is heartening as usual to see the Senate come together as a great deliberative body.

According to my records, I have participated in this sort of debate at various times since I first came to the Senate, beginning in 1949 and including, among others, 1957, 1960, 1964, and most recently in 1965.

It is perhaps appropriate at the outset of my comments today to recall the omnibus civil rights bill of 1964. Senators will remember that, because that far-reaching legislation had received little or no consideration in the proper committees of the Congress, we southern Senators undertook to defeat it, or at least to refine the bill and lessen the offensiveness of its application to the people of the South.

After the Senate saw fit to impose cloture and limit floor debate to 1 hour per Senator, I made use of my hour to successfully urge the passage of amendments that I thought were constructive and only fair. Inasmuch as both dealt with the concept of private property, I should like to refresh my colleagues on their intent.

One of my amendments applied to that section of the bill excluding from coverage "bona fide private clubs." The amendment removed the word "bona fide" from this language. It was my fear that the courts would rule that the national policy having, in effect, declared that segregation was wrong, there could be no good faith or "bona fides" where a private club knowingly limited its membership to members of the Caucasian race. Thereby a court could have ruled that private clubs would be covered by the public accommodations section of the bill. My amendment established the rule that a club or any other establishment would be judged, not on the intent or purpose of its organizers, but on the basis of whether it was in fact open to the public. This amendment preserved to some extent our right of freedom of association despite passage of the civil rights bill.

More significant, for purposes of our current debate, was my second amendment, which restricted title VI of the bill, which allows the withholding of funds from federally assisted programs in which "discrimination" is practiced. The amendment provided that the new powers under title VI did not apply to financial assistance given by the Federal Government through contracts of insurance or guarantee. This meant that if a bank or savings and loan association insured by the Federal Government loaned a person money to build a house, it does not have to insist on nondiscrimination in the sale or rental of that house as a condition to lending money to finance the transaction. This meant that the civil rights bill would not become a national open-housing law. Adoption of my amendments preserved two fundamental American traditions regarding a man's private property rights.

The significance and timelessness of that reference is now evident for we are met here once again to consider civil rights legislation whose most controversial and broad-ranging provision is that which would greatly infringe upon private property rights which Americans have enjoyed since the very birth of this great Nation.

Mr. President, it might be worth pointing out that, when the Senate by a virtual unanimous vote and without objection agreed to the amendment to the 1964 Civil Rights Act, it was in effect saying that as of that date, 1964, the Senate did not think it appropriate to pass any open housing law which would deprive our citizens of their right to select the person to whom they would sell or rent their property.

While this legislative package has various and sundry sections or titles, it would be idle to assume that the phrase "open housing" has not become synonymous with the civil rights bill of 1966. Its intent and implications represent so radical a departure from even past civil rights measures that it has encountered opposition not only from southerners but from others of this great body, notably our distinguished minority leader. When such a champion of civil rights as the Senator from Illinois cannot reconcile with his conscience a vote for this proposal, then clearly consideration of such proposals by this House should be rational and restrained.

We of the South have been much maligned for our oppposition to the various civil rights proposals down through the years. By their proponents we have been accused of the grossest of things. But the one thing of which no one can justifiably accuse us is a lack of sincerity in our dedication to our Constitution and the freedoms which it guarantees. Southern Senators and Representatives hold honored positions in the history of this country, and their contributions to the good of the Nation are too great to be detailed at this time.

It is always with a certain amount of regret that I hear of someone questioning the motives of southerners in their resistance to civil rights legislation. My prime motivation in opposing all such legislation has been the abiding hope of preserving for the people the constitutional principles upon which this Nation was founded. For perseverance in this regard, I am prepared to put my record alongside any southern Senator.

One will search in vain to find that my remarks have ever been disrespectful of the Negro or unsympathetic to his problems. It would be folly to contend that some of the most misguided of southerners have not exploited and mistreated the Negro, but my colleagues know very well the record of the Senator from Louisiana on this matter. And I am proud to say that has been the attitude of other members of my family in public service, including my father. We have always believed the Negro's thinking was very much akin to that of other less privileged Americans, and we have constantly sought to provide him, along with other less privileged Americans, the social and economic opportunity and capability to improve his lot.

I number among my good friends many Negroes whose good will I esteem

and appreciate. I have discussed this subject with them many times and do not know of a single one who considers me intolerant of or indifferent to their natural desires to improve their situation and attain all the benefits our society has to offer.

From time to time, I have made statements in Louisiana to the effect that we should be providing our Negro citizens with a better education, better employment, opportunities, and a meaningful right to vote. Such declarations have on occasion led to an uproar by some of the southern rightwing reactionaries who were unable to realize that we either had to meet our problems at the State level or have someone at the Federal level do it for us—in ways much more objectionable than had we provided the answer first. Responsible southern lawmakers are accustomed to attack from the rear from the rightwing extremist element, but there remains the duty and obligation to assume a reasoned approach to our problems. Notwithstanding them, we have contributed in a meaningful way to the proper advance of the just aspirations of our Negro citizens.

Few people in this country are dedicated to keeping 20 million Negro Americans at a subservient and inferior social and economic level; indeed, most of us would like to see the Negro advance and take his rightful place, fully enjoying all rights and privileges of American citizenship. The question that locks this great body in argument year after year is how best to approach that goal. Negroes have made phenomenal progress in this country in the last few decades, but I for one question whether such measures as that before us today will accelerate or impede that progress.

ORDER FOR RECOGNITION OF SENATOR M'CLELLAN TOMORROW

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the senior Senator from Louisiana may yield to me for a unanimous-consent request without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that tomorrow, immediately following the conclusion of routine morning business, I may be recognized.

Mr. JAVITS. Mr. President, may we have the Senator's request restated?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from Arkansas asks unanimous consent that immediately following the conclusion of routine morning business tomorrow he be recognized.

Mr. JAVITS. To speak in the debate on the bill, may I ask the Senator from Arkansas?

Mr. McCLELLAN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana subsequently said: Mr. President, I ask unanimous consent that in the event there is no morning hour tomorrow, the Senator from Arkansas will be recognized.

Mr. McCLELLAN. Immediately upon convening and the ascertaining of a quorum.

Mr. LONG of Louisiana. Immediately upon convening.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, without prejudicing my rights to the floor, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, the proponents of open housing argue that it will move the Negro one step closer to first-class citizenship by enabling him to escape his ghetto conditions. Such hollow reasoning does not take into account the economic realities surrounding the Negro. Without an improvement in his economic plight, so-called open housing will be no more than an empty, frustrating, irritating promise to him. It is entirely likely that this type of artificial, or paper, equality will lead to more charges of white hypocrisy against those who claim to be giving the Negro equal rights.

It is not so much discrimination as it is a lack of money which prevents large numbers of Negroes from owning good housing and enough property. I happen to believe that when the Negro has enough money to buy property and to pay for good housing, he will find that the right to own his property exclusively and to sell it to whomever he pleases is as precious a right to him as it has been to those citizens who have possessed such a right in a meaningful way since the beginning of American history.

I have used the term "first-class citizen." Strange as it may seem, my opposition to the bill is dictated by a concern that it, compounded by the effects of other forced integration measures, will cause all of us to become second-class citizens. This seemingly incessant parade of Federal integration statutes is depriving us of more personal freedoms than it is providing.

It would be far better for the Negro to move up to the enjoyment of those many rights and privileges, including the actual full title to property, than for him to be the instrument by which historic freedoms were removed from everyone until all have been lowered to his social and economic level, rather than elevating him to theirs.

It would be a sad travesty for the Negro to find that he had achieved the rights of so-called first-class citizenship, only to discover that the first-class citizenship of his day was no better than second-class citizenship had been in an earlier day.

FOUR BASIC OBJECTIONS TO TITLE IV

It is my hope that time will permit me today to cite and discuss four basic reasons which speak strongly against enactment of the so-called fair-housing section of this bill.

First is that the right of a person to own and dispose of his property at his own discretion—and to associate with others as he pleases—is a fundamental right, and it strikes close to the heart of the liberty and freedom to which all men are entitled. I mentioned this subject a moment ago, and I shall examine it shortly in greater detail.

My second reason for opposing this provision is that the real need of the Negro in this area is for him to improve his own lot, both socially and economically. Most Negroes cannot afford the housing which this bill would seek to make available, so open housing laws would be largely useless, and would serve as only more needless Government regulation and redtape.

The urgent need is for self-help; for the Negro to provide for himself access to the quality housing which is sought to be afforded to him under this bill. He needs to elevate his economic and social stature to the level of others, not to lower theirs to his. When he does so elevate himself, I believe he will find that he, too, will approve of and appreciate the full prerogatives attendant to private ownership of property.

My third area of concern is that it is very likely that if title IV, the fair-housing section, were to become law, it would be enforced in a prejudicial and abusive manner. It has become increasingly evident that there are extremists on both sides of the race issue. Doubtless, the administrators of this program would include a high percentage of overzealous bureaucrats who want to exercise a reckless disregard of practical problems in their pursuit of total integration. Similar abuses have already surfaced with respect to the 1964 Civil Rights Act, and in many instances they have in fact become official policy.

Fourth, title IV would most certainly be detrimental to property owners even on a purely practical basis, over and above the deprivation of the basic rights associated with property. Troublemakers and militant extremists could urge cases of racial bias and could cause preliminary injunctions to be issued against housing sales and rentals, without even any testimony or defense.

A home might be off the market until the rendering of a final decision—which, because of crowded court dockets, might be as far away as 3 years. Section 406 of the bill goes so far as actually to encourage this sort of practice, for it would authorize the payment by the Government of the plaintiff's attorney's fees and court costs. But the defendant homeowner would be compelled to foot the full expense of defending against the most spurious of charges; he would pay whether he won or lost.

A FUNDAMENTAL RIGHT CLOSE TO THE HEART OF LIBERTY

Mr. President, I believe that every man, with respect to his own property, should have the right to act to encourage the development and maintenance of the kind of neighborhood in which he wants to live and raise his children. A man's feelings in this regard do not necessarily spring from prejudice. He simply may not wish for his children to absorb the values and attitudes of a culture different from his own. He may wish for his family not to endure traits and habits of others which he deems distasteful.

No matter how worn the phrase, a man's home is his castle, his fortress, his refuge, his resting place. If he has put forth the work, energy, skill, and initiative to acquire the means with which to make it represent all these things, then they are rightfully his and the Government should not take them away. Title IV, if enacted, would do just that.

I fail to see the fault of a housing developer planning a neighborhood to appeal to people with certain opinions of what is best for their families. There is nothing wrong with people wanting to keep their neighborhoods as they are, free from influences which they feel are alien and undesirable. It may very well be that their beliefs are wrong, but it should be their prerogative to make up their own minds and to pursue what is best, as God gives them the light to see the right.

It is this freedom to think as one pleases that is the hallmark of our society. Surely, we are not to become so subjected to "big-brotherism" that our values are dictated to us by the state and we are no longer allowed to form our own opinions.

Negroes, just as all other men, will also want to perpetuate their neighborhoods as they believe they should be. When they begin to earn enough money, they will want to engage in the same practices as other people. If this housing section is enacted, however, they will discover their new status sadly lacking, for it will not offer all of the advantages that it otherwise would have.

Those Senators in favor of this bill should realize that it outlaws not only considerations of race, but also considerations relating to the number of children or the age of such children. Although I personally am not ready to settle in a retirement village, persons who no longer have any children living with them ought to be able to enter one if they so desire and have the means to do so. Why should not people with similar interests—such as age, or a desire to be away from the noise of raucous teenagers and crying babies—be allowed to live in the same neighborhood?

The same rationale applies to people who want simply to live in neighborhoods where most of the residents have similar values and attitudes.

The fact that a person's color is different is not what makes him undesirable as a neighbor to many people. It is simply that color is read as a sign that a person is from a different culture. There is the fear among some people that this vastly different culture will exert an unwholesome effect and influence upon one's own family.

It cannot be denied that the values, attitudes, and the manner of living of Negroes, taken as a whole, are considerably different from those of whites. In fact, this was the central theme of a recent publication issued by a no less reputable source than the Office of Policy Planning and Research of the U.S. Department of Labor. This publication made clear the differences in education, literacy, crime and delinquency rates, occupation, illegitimacy, percentage of families with fathers absent, and number of children receiving welfare assistance.

THE SECOND ARGUMENT—IT IS BETTER FOR THE NEGRO TO GAIN ACCESS TO HOUSING BY SELF-HELP

These differences bring me to the second reason for opposing open housing: both whites and Negroes would benefit from the Negro's raising his standards to those of whites, rather than pulling the higher standards down to his level. Presently few Negroes can afford the housing which the proponents of this bill hope to make available to them, so its provisions will serve primarily to encourage needless governmental regulation, redtape, and, in many cases, harassment. It is far better to encourage self-help among Negroes: when they begin to develop the skills and abilities necessary to hold higher paying positions which will enable them to purchase such housing, then the Negroes who have obtained these levels will want to establish their own residential patterns, just as various groups of whites have done.

It would appear to be the better part of wisdom for those who are striving so hard to push through this legislation to pause and take stock of the many genuine successes Negroes have achieved in past years. For example, in the past 15 years the number of Negroes enrolled in colleges has doubled. The number of Negro professional men has doubled in the past decade. Negro buying power has risen to $30 billion from only $3½ billion 25 years ago. Adjusting for differences in purchasing power, this represents an increase of nearly 300 percent.

These achievements did not grow out of mass marches and demonstrations. They did not come as the result of wanton violence in the streets. No Federal legislation brought about these successes. These are the achievements of old-fashioned initiative and hard work by individual American Negroes taking advantage of the great opportunities for self-improvement offered in our society.

The road to success is the same for the Negro as for the white man. It is not the self-defeating path of the protest march with its placards and songs, its fires and hurled stones. The achievement road is the uphill route where the climb is made only by those fueled with ambition and initiative and powered by hard work and tenacity.

Hundreds of thousands of young people today have embarked on this journey by taking full advantage of this Nation's unparalleled educational opportunities which offers the promise of a fuller, better life for themselves and their children. They have come to realize that, in the final analysis, it is education, not the passions of a mob, that is the key that will unlock for them the gates that imprison the poor.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Georgia.

Mr. TALMADGE. I compliment the Senator on the point he is making. I thoroughly agree with him. Every American citizen is limited only by his knowledge, energy, ambition, and skill; is that correct?

Mr. LONG of Louisiana. The Senator is correct. I appreciate the statement of the Senator.

Mr. TALMADGE. If being born in poverty made people criminals, Abraham Lincoln would have been the Al Capone of his day; would he not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. President Lyndon Johnson was born quite poor, was he not?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. His family then would have been considered at the poverty level today, would it not?

Mr. LONG of Louisiana. My understanding is that this would be correct. His family would be at the poverty level.

Mr. TALMADGE. President Johnson, by his energy, ambition, initiative, determination, and courage made something of himself; is that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Is it not true that in order to succeed in today's complex world the first thing that a person must do is to get all of the education possible?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. And the second thing that a person must do is to develop character, ambition, and skills; is that correct?

Mr. LONG of Louisiana. The Senator is entirely correct.

Mr. TALMADGE. Are not all of the daily newspapers in America today filled with advertisements and help wanted columns seeking people with skills?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. And if a person has the skills he gets the job; and he gets a better salary, better wages, which enables him to get the better things of life, to live decently, a home, automobiles, and clothing?

Mr. LONG of Louisiana. The Senator is correct, and for those sophisticated skills, particularly fully developed skills, there is a shortage, as the Senator knows. There are not enough skills to go around.

Mr. TALMADGE. Congress could pass all of the bills that this room could hold, trying to improve people, but they would not amount to anything unless the individual improved himself; is that correct?

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Is it not correct that every one of the 190 million American citizens have that opportunity at the present time?

Mr. LONG of Louisiana. The Senator is correct; they do. Some people have not taken full advantage of the opportunity, but the opportunity is there. What is needed, to a very considerable extent, for the Negroes of our country is that they learn how to take full advantage of the opportunities. Many of them have learned, but for those who have not learned yet, Congress cannot pass a law which would make them learn. They will have to do it themselves.

Mr. TALMADGE. I fully agree with the Senator. The Senator's father was an outstanding example of a man with

ambition, courage, and initiative who became a successful person. The father of the Senator worked his way through college, did he not?

Mr. LONG of Louisiana. He did not go to college very much, but his family advanced on the basis the Senator mentioned. The first child went through college, and he helped the others to borrow money, or by lending a little money. The boys helped the girls and the boys helped one another, to the point where all of them were successful. They were successful lawyers, dentists, and men in public affairs. All of the boys were successful and all of the girls married well.

Mr. TALMADGE. In the final analysis, it was determined by the individual man himself.

Mr. LONG of Louisiana. The Senator is correct. The same thing can be said for my grandfather, who was a farmer who had to work with his hands for everything he had, working the red clay hills in Louisiana, which are something like those in Georgia. This is a very hard way to make a living.

Mr. TALMADGE. The Senator is correct.

Mr. LONG of Louisiana. My grandfather was a country farmer who had a hard time making ends meet, but he saw to it that every one of his nine children received some college education, and each of them was a success in life.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. TALMADGE. In the capital city of my own State, Atlanta, Ga., we have a large population of Negroes. In fact, about 40 percent of the population of that city is composed of Negroes. They have mile after mile of homes there that cost anywhere from $25,000 to $150,000. Some of them have butlers, chauffeurs, and Cadillacs. There are many professional men. Some of them run banks, insurance companies, and some are dentists, doctors, and skilled people. But they did not come to Congress asking for a law. Many of them came from humble origins. In fact, one of my friends there, a judge, passed away last year. His father was quite poor and yet by his ambition and initiative his son became one of Georgia's most prominent lawyers. The opportunity is there if they exercise it, is it not?

Mr. LONG of Louisiana. The Senator is correct. The opportunity is there.

Leadership is the principal thing that is needed to help the Negro advance himself to where he should be and where he will be one day, I am certain. It will not be by leadership that goes out and pads the concrete streets shouting, chanting, and throwing stones. What is needed is good leadership. To a large extent the Negro community is getting that leadership. It may be late coming, but it is there.

The Negro has made tremendous progress and under that kind of leadership he will continue to make progress. When he achieves, it will be by hard work and making his way as every other minority has made its way, and it will be much more meaningful. He will be more proud of his property ownership than he would be if he were subject to Federal dictatorship with respect to whom he can sell or rent his property. He will be more proud than he would if he had to adjust to the so-called equality resulting from the stripping away of some of those rights which he should seek to possess himself.

Mr. TALMADGE. What the Senator is saying is that we cannot advance rights by destroying the rights of all; is that not correct?

Mr. LONG of Louisiana. In the last analysis, instead of all becoming first-class citizens, we would all become second-class citizens.

Mr. TALMADGE. The Senator is correct. The people would be wards of the Government.

Mr. LONG of Louisiana. Yes. The Senator mentioned some of the problems of education. He knows this to be true; that to hold the more responsible jobs in business, in commerce, in industry, or in any profession, a person must first achieve a reputation for honesty. Without disparaging any group, it is worth while pointing out that honesty is something which is not an inborn trait. Human beings are not born honest. They learn honesty from their parents, from school, their schoolteachers, from those with whom they associate. It is something which is acquired. The law does not give it to us. We have to be taught that way of life.

Mr. TALMADGE. We do not attain it by burning down stores, looting, and throwing Molotov cocktails.

Mr. LONG of Louisiana. The Senator is correct.

Mr. TALMADGE. Nothing constructive can ever be gained by doing those things. It creates anarchy, destroys a free people, a free society, and free government for all; is that not correct?

Mr. LONG of Louisiana. The Senator is completely correct. A person must acquire respect for the rights of others, including property rights. When a person seeks to advance his rights by destroying those of others, those who would seek to do it that way tend to take onto themselves something of a persecution complex. When we talk about getting good jobs, it is far better for someone to hire, say, the Senator from Georgia, or me, or anyone else, because they want to hire one of us and think that he is the man they are looking for, and not by passing some law and saying, "You have got to hire that man."

Mr. TALMADGE. It is second only to life and liberty itself, is it not? The right to own and possess and enjoy property is the greatest right of all, is it not?

Mr. LONG of Louisiana. That is one of the finest rights the Constitution protects, the right to own property and the right to have exclusive possession of it. That is one of the rights for which our forefathers fought and died to maintain.

Mr. TALMADGE. But this bill would take away that right, is that not correct?

Mr. LONG of Louisiana. The Senator is correct. As the Senator knows, even those who sponsor the bill look upon this only as a first step. If the bill should become law, then they will want to strip away other rights from the American people.

Mr. TALMADGE. I thank the Senator, and I agree wholeheartedly with him.

(At this point, Mr. YARBOROUGH took the chair as Presiding Officer.)

Mr. LONG of Louisiana. Mr. President, new jobs and new business opportunities come to those who made the effort to equip themselves with learned skills. Without education and thus without the requisite skills these opportunities are lost, and the consequence is likely to be a dismal future.

What I am saying then is that the Negro, like the white man must seek opportunity, not security. He must somehow refuse to be content with being a kept citizen, humbled and dulled by having the State look after him. He must be willing to take the calculated risk, to dream and to build, to fail and to succeed. He must, in his own way, learn to refuse to barter incentive for a handout, a dole, to prefer the challenges of life to the guaranteed existence, the thrill of fulfillment to the prospect of the stale calm of utopia.

I do not wish to suggest, in making that statement, that great numbers of Negroes are not doing exactly that. I think that the overwhelming majority are. It is in that direction that the answer is to be found.

The effort to impart white culture, economic independence and personal responsibility to the Negro has been a policy pursued in the South for many years. The relative speed and success of such an effort, however, has and must remain subject to the Negro's own effort and desire to advance his own cause. Oddly enough it is in the Southern States where the segregation fight began that the greatest effort has been made to improve Negro educational opportunities. This is not to say that run-down schools do not exist in some rural areas. They do. But they exist equally for white children and Negro. A look at school budgets in the South will show that these backward facilities are fast being replaced by up-to-date consolidated schools with the most modern teaching equipment.

Throughout the Southern States, Negroes are employed in large numbers in industry and many own their own businesses. When Negroes qualify to do the same kind of work as whites, they earn the same wages. Thousands of our Negroes are employed on farms, many of them as farm managers. The South has a number of thriving colored educational institutions that have been in existence decades longer than in the North and in greater abundance—schools such as Southern University and Grambling College in my own State of Louisiana; Jackson State College, and Mississippi College in our neighboring State of Mississippi; Tuskeegee Institute in Alabama; and Florida's Florida A. & M. College.

Thus, we in the South can say that substantial opportunity has been available to Negroes who genuinely want to succeed.

While Negro leaders have publicized the Negro's struggle as a drive for economic advancement, what has actually evolved is an attempt on the part of some of them to invade the social privacy of whites. Thus, Negroes have abandoned

a purely honorable and reasonable goal of economic advancement for an impossible goal which has no real tangible meaning for the welfare of the Negro. For a large, unproductive segment of the Negro population this can only mean abandoning the proper and beneficial course of self-improvement for a destructive twilight hour of self-indulgence. By destroying initiative and fanning the fires of white resentment, the Negro is set farther back in his development than a saner course could have led him.

There appears to be no necessary connection between integration and a higher standard of living. The validity of this point is strengthened by the fact that hundreds of thousands of Negroes using available facilities have become quite successful. Instead of seeking sucvess as a means to integration, some Negro leaders have turned integration into an end itself and switched from personal effort to class war. Many Negroes have been mobilized for revolution through the promise of spoils, which appear attractive, when the traditional route to success offered nothing but hard work.

The most successful Negroes to come across the American scene were those who refused to allow segregation to stand in the way of their advancement. Instead, they took advantage of what was available and they made the most of it. One of the most respected Negroes in the history of this country, Booker T. Washington, was born a slave. He rose to overcome this and became head of Tuskeegee Institute for Negroes. His words spoken in 1890 are worth considering today. He said:

It is well to bear in mind that whatever other sins the South may be called upon to bear, when it comes to business, pure and simple, it is in the South that the Negro is given a man's chance in the commercial world, and in nothing is this exposition more eloquent than in emphasizing this chance. Our greatest danger is that in the great leap from slavery to freedom we may overlook the fact that the masses of us are to live by the productions of our hands, and fail to keeping in mind that we shall prosper in proportion as we learn to dignify and glorify common labor and put brains and skill into the common occupations of life, shall prosper in proportion as we learn to draw the line between the superficial and the substantial, the ornamental gewgaws of life and the useful. No race can prosper till it learns that there is as much dignity in tilling a field as in writing a poem. It is at the bottom of life we must begin, and not at the top, nor should we permit our grievances to overshadow our opportunities.

The wisest among my race understand that the agitation of questions of social equality is the extremist folly, and that progress in the enjoyment of all the privileges that will come to us must be the result of severe and constant struggle rather than of artificial forcing. No race that has anything to contribute to the markets of the world is long in any degree ostracized.

It is important and right that all privileges of the law be ours, but it is vastly more important that we be prepared for the exercise of these privileges. The opportunity to earn a dollar in a factory just now is infinitely more important than the opportunity to spend a dollar in an opera house.

The successful Negro, like the successful white man, finds that achievement and productivity are the only sure methods of advancement. Legalized favoritism such as encompassed in the legislation we find before us today offers a very poor substitute for genuine fulfillment. There are thousands of Negro success stories made by that class of Negroes who got so busy in the world of open competition, working and striving to better themselves, that they had no time for marches and demonstrations. As an example, I offer the story of F. B. Fuller, head of Fuller Products Co., a Chicago cosmetics manufacturer. Mr. Fuller is a native of my home State of Louisiana. Coming from an economically poor background, Fuller left Louisiana at the age of 15 with a sixth-grade education. Few would have given him much chance to succeed, but succeed he did. In an interview with U.S. News & World Report on August 19, 1963, Mr. Fuller indicates that he harbors few misconceptions about what is required to succeed. He says that the Negro must prove his point by performance. He cannot sue a man and make him live next door to him. He must train his children and see that his community is kept as clean as the white man's, while maintaining his home on a par. He further explains that the high incidence of crime in Negro communities like Harlem is caused by the Negroes there, and is not the fault of others. He claims that as a child his mother and dad kept him busy doing worthwhile things. As Fuller sees it, today people of all races and classes have far less initiative than they did then. He states that it is difficult to find a Negro boy in Harlem today who is even willing to sell newspapers.

I must agree with Fuller that the quality and character of a man cannot be legislated. These qualities must somehow come from within. When a Negro discovers this and finds out what initiative and self-help can produce for him, he will not be so anxious to integrate, but will prefer to pursue success through his own patterns. Fuller went into business with $25 worth of soap, which he peddled door-to-door in the colored community. He says there were others in there selling, including many whites, and, while as always there was competition, he saw no barrier because of his race.

Another article bearing on this problem was written by Eric Hoffer and deserves mention here. Hoffer, who struggled through the depression years working on odd jobs and on farms with members of both races, gives good reasons for his rejection of the motives of the Negro revolution. The Negro should have rights, says Hoffer, but no special privileges over the white man. He has not done the white man's work for him. Now a fairly successful writer, Hoffer seems to harbor a bitter contempt for the Negro agitators who to him seem to be saying, "Lift me up in your arms, I am an abandoned and abused child. Adopt me as your favorite son, feed me, clothe me, educate me, love and baby me. You must do it right away or I shall set your house on fire, or rot at your doorstep and poison the air you breathe."

Hoffer sees the Negro revolution as having no faith in the character and potentialities of the colored masses, no taste for real enemies, real battlegrounds, or desperate situations. It wants cheap victories the easy way. To Hoffer, what the Negro needs is pride—pride in his people, their achievements, and their leaders. He sees the black nationalist groups as nothing more than manifestations of the Negro's passion for alibis and the easy way out of a deplorable situation. Excerpts from Hoffer's article, "The Negro Is Prejudicial Against Himself," which appeared in the New York Times magazine of November 29, 1964, read as follows:

The plight of the Negro in America is that he is a Negro first and only secondly an individual. Only when the Negro community as a whole does something that will win for it the admiration of the world will the Negro individual be completely himself. Another way of putting it is that the Negro in America needs pride—in his people, their achievements, their leaders—before he can attain self-respect. At present, individual achievement cannot cure the Negro's soul. No matter how manifest his superiority as an individual, he cannot savor "the unbought grace of life."

The predicament of the Negro in America, then, is that what he needs most is something he cannot give himself; something, moreover, which neither governments nor legislatures nor courts but only the Negro community as a whole can give him.

Almost invariably, when a Negro makes his mark in what ever walk of life, his impulse is to escape the way of life, the mores and the atmosphere of the Negro people. He sees the Negro masses as a millstone hanging about his neck, pulling him down, and keeping him from rising to the heights of fortune and felicity. The well-off or educated Negro may use his fellow Negroes to enrich himself—in insurance, paper-publishing, cosmetics—or to advance his career in the professions or in politics, but he will not lift a finger to lighten the burden of his people. Who ever hears of a rich Negro endowing a Negro school, hospital or church?

With the present paucity of opportunities for fervent action, is is doubtful whether the Negro could repeat the performance of past immigrants and adjust himself to a new existence as an individual on his own. He cannot cross alone the desert of transition and enter an individual promised land. Like the liberated ancient Israelites, he needs a genuine mass movement to enfold him, cover his nakedness of identity, guide and sustain him until he can stand on his own feet.

The question remains: What can the American Negro do to heal his soul and clothe himself with a desirable identity? As we have seen, he cannot look for a genuine mass movement to lead him out of the frustration of the Negro ghettos; he will certainly not allow a non-Negro Moses to lead him to a promised land, and he cannot attain self-respect by an identification with Negroes and negritude outside America. What then, is left for him to do?

The only road left for the Negro is that of community-building—of creating vigorous Negro communities with organs of co-operation, self-improvement and self-defense. Whether he wills it or not, the Negro in America belongs to a distinct group, yet he is without the values and satisfactions which people usually obtain by joining a group.

When we become members of a group, we acquire a desirable identity, we derive faith and pride to bolster our confidence and self-esteem, and a sense of usefulness and worth by sharing in the efforts and the achievements of the group. Clearly, it is the Negro's chief task to convert this formless and purposeless group to which he is irrevocably bound into a genuine community capable of effort and achievement, and which can inspire its members with faith and hope.

Whereas the American mental climate is not favorable for the emergence of mass movements, it is ideal for the building of viable communities; the capacity for community-building is widely diffused. When we speak of the American as a skilled person, we have in mind not only his technical but also his political and social skills . . .

When I speak of vigorous Negro communities, I do not mean Negro ghettos . . . What I have in mind is Negro centers, societies, agencies, loan associations, athletic clubs, discussion clubs and the like. You can see such communal organs functioning among the Jewish, Japanese, Chinese and other minorities.

My feeling is that right now the Negro in San Francisco, and probably elsewhere, is ripe for some grand co-operative effort in which he could take pride. It could be the building of a model Negro suburb, or a Negro hospital, a Negro theater, a Negro school for music and the dance, and even a model Negro trade school.

You need dedicated men and women to mobilize and canalize abilities and money toward a cherished goal. It is being done in America every day by all sorts of people. Someone has to start these things—a single individual or a small group. In San Francisco the 2,000 affluent longshoremen could be such a group.

The healing of the Negro by community-building will be a slow process, and the end results, though a durable source of pride and solid satisfaction, will not be heavenly. There is not heaven on earth and no promised land waiting for the Negro around the corner. Only the rights and the burdens and the humdrum life of a run-of-the-mill American.

Thousands of American Negroes by acting inside rather than outside the law have made their way to success as a separate minority group without need of integration with the white man and without the need of special privileges or extra legal advantage. To quote from a discussion of this problem by Kent H. Steffgen:

(1) The more productive and industrious Negroes have made more gains in the United States than their race has ever done before in any other nation in history; (2) they have brought their potential up to this level in a system maintained along ethnically separate lines from coast to coast and border to border; (3) this class of Nergoes has neither asked for nor required integration or the help of government to make this accomplishment; (4) "civil rights," a cause fraudulently named on behalf of the Negroes, had to be overthrown and destroyed 100 years ago to make achievement by means of personal initiative even possible; and (5) with the reappearance of the Civil Rights Movement, after a century of continuous gains, colored progress is once again placed in jeopardy.

But there may still be an even bigger lesson to be learned. Productive Negroes advanced because they applied a principle which allowed them to rise. The majority of American Negroes—faced with the same challenges—have gone the other way: into the slums and onto the streets, onto welfare and into a cultural tug-of-war with the Caucasian system.

Another revealing example of the success which can come to a man, Negro or white, who diligently applies himself to the task of getting ahead, is the story of Cirilo McSween. McSween is a Panama-born Negro who came to this country to compete in track at the University of Illinois and became New York Life Insurance Co.'s first Negro agent after graduation. Working in Chicago, McSween wrote a million dollars' worth of life insurance the first year and has been doing it ever since. His story, along with those of 16 other Negro men who are insurance sale producers, is told in an article from the Negro magazine, Ebony, of May 1965. It is this kind of production which offers the real challenge to other Negroes looking for opportunity.

These examples of hard work and successful performance present a glaring contrast to the depraved "freedom now" philosophy expressed through demonstrations that have wracked the towns and cities of this country for so many years.

Unfortunately, this traditional concept of equality has been converted by some to a perverse "something-for-nothing" philosophy that has intoxicated the modern world and has spawned discord and chaos in many parts of our country. Men and women run starry-eyed through the streets destroying, pilfering, and in a thousand tongues screaming their demands for equality, for place, for recognition, for rights, for privileges.

Today's pleaders for so-called civil rights take their text from the words of the Declaration of Independence, "All men are created equal and are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." But to this venerable proclamation they hasten to add the cry that it is the responsibility of the Government to make all men equal and to maintain equality amongst them.

Thus, when nature shouts, "Inequality," we, as a democratic people reply through our laws and institutions, "Equality." This equality, however, was never meant to be the equality of the leveler, the theoretician who would reduce mankind to a society of drones, as similar to each other as one brick to another. When we speak of equality in this country, we mean equality before the law which results in our more rational commitment to the concept as an "equality of opportunity."

A commitment to equality then does not mean a commitment to some uniform way of life based on the preposterous idea that men are equal in their possessions of the various talents and virtues. It means to us that each of us shall have equal opportunity to develop those talents and virtues that are his, and that there shall be equal rewards for equal talents. The result of such conception of equality is justice, and an unlocking of the energies necessary for social and economic progress.

Since the purpose of the proposed legislation is to bring to the Negro so-called equality, a few comments on the subject of equality are in order.

It should be obvious to anyone that Nature spreads her gifts unequally. Inequalities among men in virtually every trait or characteristic that one might mention are obvious and will probably be with us for all time. In thinking of equality in this sense, then, it is manifestly false to say that all men are equal. While inequality has no doubt been the root of much that is cruel and hateful in life, it is also the root of much that is admirable and interesting. These are plain facts; and in the face of these, we have set equality as our moral and political ideal. Justice demands equality before the law; all men should receive equal treatment in the public realm; each to count for one and no man to count for more than one—these formulas are at the core of the meaning of the democratic system.

That government has a role to play in the mighty moving drama of man's progress is not to be denied. We must all agree that it is the function of government to state the conditions of liberty, equality, and responsibility. But it is the will of the people that gives life to the law. Without this will, no such laws will work.

What about these inalienable rights, such as life, liberty, and the pursuit of happiness? In a sense life, liberty, and happiness can be said to be a gift of God. But simply being born will never be enough. Arriving in this world alive is only a beginning. In order to live in any real sense, one needs medical science, proper nutrition, adequate care, and a chance to become educated and equipped for adult responsibilities. As for liberty, it is not something that comes with birth. Liberty is man created, man achieved, and man maintained. God approves it, but man must win it.

What about happiness? Happiness is a byproduct of life rather than something granted to us by birth. We achieve happiness by effort. Many things go into the makeup of happiness—employment, purpose, personal development, the right to the use of opportunities and duties of life Life God will give us; but liberty and happiness he makes us achieve for ourselves

How then can some men have reached the conclusion that government can make men equal and keep them equal. No law will ever produce the feeling of equality for one another in the hearts of men. How can coerced fellowship ever become real fellowship?

Those who loudly clamor for equality must come to realize that true equality is always a push from below rather than a pull from above. These words of Dr. Walter R. Courtenay, minister of the First Presbyterian Church, Nashville, Tenn., contain some real truths concerning American democracy and serve well to illustrate the point we have been making:

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic, and the creative rise to the high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We lead the world in justice, even though justice does not always move with prompt alacrity. Our Nation has been noted for the size of its heart, and not merely for the size of its pocketbook.

4. Democracy demands that the Nation be governed by the capable, the honorable, the farseeing, the clear seeing, and not by mediocre men. In the beginning, it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to foster class consciousness, class conflict, misrepresentation, covetousness, violence, theft, and an open defiance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights:

The right to equal learning.
The right to equal employment.
The right to equal treatment.
The right to equal justice.
The right to adequate housing.
The right to vote.

Thus, governments of themselves cannot make men equal or remake men into the beings that ought to be. This is a spiritual venture, not primarily an economic and political one.

THE THIRD ARGUMENT—TITLE IV WOULD BE ENFORCED IN AN UNREASONABLE AND OVERZEALOUS MANNER

Mr. President, my third objection to the so-called fair-housing section of this bill is that if it were enacted it is very likely that it would be enforced in an irrational and overzealous manner.

Title IV would provide for three means of enforcement: suits by private persons, suits by the Attorney General, and by orders issued by a Fair Housing Board. I have already touched upon the potential for abuse by the filing of spurious suits by private persons, and I intend to discuss this matter further in a few minutes. In the meantime I would like to call attention to potential and probable abuse by agents of the U.S. Government; namely, the abuse which would be forthcoming from the Attorney General and the Fair Housing Board.

The most compelling indication that abuse of the title's provisions would be forthcoming is the record of our Government's agents in administering the provisions of the various Civil Rights Acts which have already been enacted into law. Their administration has in many instances been characterized by unreasoning and callous disregard for the welfare of both white and colored persons, and actual prejudice toward southerners generally.

The Government's civil rights programs are not manned for the most part by moderates who can see the problems on both sides of the race issue, but by racial zealots who apparently will not be content until the Government forces a complete integration of the races.

Such an attitude has already been seen in the administration of title VI of the Civil Rights Act of 1964, which prohibits discrimination in any federally assisted programs. This is clearly evident in the school desegregation guidelines promulgated by the U.S. Office of Education in March of this year.

Not even a strained interpretation of the Constitution would require that public schools have so-called racial balance. It can only be said that the Constitution requires that there be no discrimination; it does not require that there be integration. If colored children do not wish to attend formerly all white schools—perhaps because they find the classes too difficult, or for a host of other reasons—the Constitution does not require that they be forced to attend them.

Nor does title VI of the 1964 act require racial balance. Such was the assurance of the bill's floor manager, Senator HUMPHREY, when the measure was before the Senate. Referring to a controlling Federal court case which was upheld by the Supreme Court, our Vice President told the Senate on June 4, 1964:

This case makes it quite clear that while the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be tranporting children because of race. The bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the school systems. The fact that there is a racial imbalance per se is not something which is unconstitutional.

It is therefore clear, Mr. President, that there is no authority in law to require racial balance in our public schools. Yet, let us look at some of the 1966 guidelines issued by the zealots in the Office of Education:

In districts with a sizable percentage of Negro or other minority group students, the Commissioner will, in general, be guided by the following criteria in scheduling free choice plans for review:

(1) If a significant percentage of the students, such as 8 percent or 9 percent, transferred from segregated schools for the 1965–66 school year, total transfers on the order of at least twice that percentage would normally be expected.

(2) If a smaller percentage of the students, such as 4 percent or 5 percent, transferred from segregated schools for the 1965–66 school year, a substantial increase in transfers would normally be expected, such as would bring the total to at least triple the percentage for the 1965–66 school year.

(3) If a lower percentage of students transferred for the 1965–66 school year, then the rate of increase in total transfers for the 1966–67 school year would normally be expected to be proportionately greater than under (2) above.

(4) If no students transferred from segregated schools under a free choice plan for the 1965–66 school year, then a very substantial start would normally be expected, to enable such a school system to catch up as quickly as possible with systems which started earlier.

Thus, it is clear to all those who can read that title VI has been misused by the Office of Education. These agents of our Government are playing the "numbers" game, and clearly such is not sanctioned by the law. Can we expect them to exercise more restraint when it comes to housing? I think not.

Now let us look at how title VI has been administered in the field of health care. A directive to all hospitals which intended to offer services to medicare patients, dated April 26, 1966, reads as follows:

All patients [shall be] assigned to all rooms, wards, floors, sections and buildings without regard to race, color, or national origin. In communities with non-white population, this results in bi-racial occupancy of multi-bed rooms and wards.

Thus we have a case where hospitals are told that they must place members of different races in the same rooms. What a cruel punishment to inflict upon the sick of our Nation—both Negro and white. One would think that at least the sick would be spared the mental agitation and emotional stress that often results from such room assignments.

What is particularly discouraging about such requirements is that they are made effective in the South only. Medicare for many of our people—both colored and white—is still a promise unfulfilled, because through no fault of their own there are no available hospitals certified to participate in the program. Yet hospitals in the North are not required to place members of different races in the same rooms. Investigators are sent only to the South.

I have heard that a similar directive may be made to nursing homes. I earnestly hope, however, that those ultimately responsible will require that reason reign over their underlings in the bureaucracy who advocate such a course. Surely, it must be obvious that such a practice in institutions with a senile population would be disastrous for both Negro and white inhabitants. But the danger of this practice being required is a real one.

I noted in last Friday's edition of the Washington Post, in an article written by the reputable columnists Rowland Evans and Robert Novak, an even more ominous development. There it is reported that top planners in the Department of Health, Education, and Welfare have planned a bill for 1967 which would supply extra Federal moneys to those school districts which achieve racial balance. These funds—the taxpayers' own money—would be withheld from the school districts which merely obey the law and do not discriminate, but who fail to conform to what the planners believe is socially necessary. It seems that these planners will not be content until there is a great leveling of our society, and the standards of schools, and all facets of life are reduced to the lowest common denominator.

Mr. President, I take particular exception to the provision of title IV which would authorize a Fair Housing Board to issue orders requiring whatever action it deems necessary to effect the policies of the act. I register my strenuous objection to this provision because it stands as an open invitation to abuse.

First, it can be assumed that the Board members will be persons who will feel strongly about the issue of open housing. Even though the bill provides that they would be able to act only upon the complaint of the Department of Housing and Urban Development, it is defective in that the Board will not possess the impartiality necessary to render just decisions. Such a function should be vested in the courts.

Second, the grant of powers to the Board to issue orders—even if it could be assumed that it should be empowered to issue orders—should be narrow and specific instead of broad and general. I can envision the Board, since it has an axe to

grind, requiring property owners to pay imagined damages, both real and punitive; requiring them to issue public apologies through the news media; and imposing other such requirements. Such an investment of arbitrary powers to an administrative agency is too much akin to "Big Brother" for me. If there must be an open-housing law—and I do not believe there should be—then its enforcement should be left to a court of law.

The argument that under the bill, if a property owner should refuse to obey the Board's order, the Board must seek the approval of a court of appeals, does not impress me. Even if the Board had to have the aproval of a district court, I would still feel that there is sufficient room for abuse. But the approval of a court of appeals—namely, our Fifth Circuit Court of Appeals—means nothing. It is common knowledge that this court has been the subject of well-founded criticism that it contains some of the greatest Negro partisans of the Nation.

Decisions of this court have bent every law and changed every procedure in an effort to satisfy the demands of the Negro movement, the damnation of legitimate rights of others.

In his dissent in *Armstrong* v. *Board of Education of the City of Birmingham, Alabama,* 323 F. 2d 333 (1963), the late Judge Ben Cameron of the Fifth Circuit Court of Appeals set forth a survey of the 29 civil rights cases decided by the court of appeals between June 23, 1961, and June 23, 1963. This survey discloses the manipulations carried on by Chief Judge Tuttle in withholding information from the other judges of the circuit; packing the three-judge pannels; packing the three-judge district courts; advancing the hearing dates of cases; and generally arrogating unto himself, for a purpose, the powers of the court.

Mr. President, it is indeed a sad day for Americans everywhere when the Federal court system can be manipulated in order for a minority to control the decisions of the court to insure rulings favorable to one group or the other, with no respect for legal precedent.

Judge Cameron discloses that the majority of the panel in 25 of the 29 cases was composed of some combination of "The Four." This group, the minority of the court, is made up of the chief judge and three judges who can be depended upon to go along with his ideas. These 4 judges wrote 26 of the 29 decisions, while only 2 were written by one of the other 5 members of the court; and these 2 were per curiam decisions. One full decision was written by a district judge.

Mr. President, these four men have imposed their will upon the majority of the court of appeals, caused numerous problems in the orderly administration of justice in the fifth circuit, and many times have used their appellate powers for judicial legislation.

If I have the time, in a little while I would like to read Judge Cameron's opinion for the enlightenment of the Senate. However, for the time being I would like to move to the fourth reason for opposing title IV.

THE FOURTH ARGUMENT: TITLE IV WOULD BE DETRIMENTAL TO PROPERTY OWNERS EVEN ON A PURELY PRACTICAL BASIS

A fourth reason for opposing the open housing section of the bill is that it would very likely result in the imposition of an unreasonable practical burden upon property owners—over and above the deprivation of basic property rights.

Prof. Sylvester Petro of the New York University School of Law, who testified before the Senate Subcommittee on Constitutional Rights, made some very interesting and appropriate comments on this aspect of the Senate bill. I should like to quote some of his remarks:

I turn now to the procedural aspects of this bill. I find the procedural aspects of title IV as questionable as its substantive policy, perhaps far more serious in the inroads it makes on the rights of homeowners.

It encourages unmeritorious and vexatious litigation despite the evidential problems which are likely to make a mockery of due process of law. Its provisions for remedies are likely to intimidate the decent citizen. The powers of intervention granted the Attorney General are vague and ill defined and smack more of the police state than of a society ruled by law.

Consider the matter of unmeritorious and intimidatory litigation. Section 406(b) authorizes the Federal courts, whenever they "deem just," to subsidize proceedings against homeowners who have allegedly refused to sell or rent on the basis of race, creed, or national origin. No such subsidy is made available to the defending homeowner. Thus a disappointed purchaser has everything to gain and nothing to lose by suing the homeowner. Under section 406(b) the would-be purchaser may commence a civil action "without the payment of fees, costs, or security . . ." This means he may secure even an ex parte restraining order, preventing the homeowner without notice or hearing from selling to another without forfeiting a bond or security. This is different from the situation which prevails in the case of any other kind of litigation whatsoever.

There is no need to dwell at length upon the evils of this provision. They are obvious. Every homeowner in the country is a potential victim when he puts his house up for sale, whether or not he has violated the law. The normal restraints upon vexatious litigation are gone . . .

As we shall see, it is likely that the burden of proof will come to rest swiftly upon the homeowner, rather than, as is traditional, at least in due-process countries, upon the complaining party. The difficulty of sustaining the burden of proof together with the subsidizing of the complainant add up to a massive instrument for the intimidation of homeowners.

Even without the subsidy provision, title IV, if enacted, is likely to produce a flood of litigation, and litigation of a peculiarly complicated character. With the subsidy, of course, there will be even more. I do not suggest that the litigation-breeding charge is ever a valid argument against an otherwise meritorious law, for I believe that if a proposal has merit, it should pass even though it increases the burden on the courts. The trouble with title IV, however, is that it is both bad in principle and likely to encourage great volumes of unmeritorious and purely vexatious litigation, when the Federal courts are already heavily burdened.

The probable result is that proceedings under title IV will work the most vicious kind of injustice. Complainants, that is to say, disappointed purchasers from a minority, will ask for restraining orders, pending a full trial, which is likely to be long and drawn out. Homeowners will thus lose their purchasers, while the complaining parties, on the other hand, will have nothing to lose, especially when even their attorneys' fees and security costs are covered by the taxpayers. The net effect is likely to create discrimination in favor of members of minority groups.

Indeed, that seems to be the object of all the procedural features of title IV. The compulsions and the denials of freedom which characterize the substantive features of title IV will probably be surpassed by the compulsions inherent in its procedural features.

I turn now to problems of proof and due-process implications.

Every time a belligerent member of an identifiable minority bids unsuccessfully on a home, or a rental, he is in a position to make life miserable for the hapless homeowner. Suppose a Jewish homeowner, with his house up for sale, receives equal bids from two persons, one a Jew, the other an Italian. If he sells to the Jew the disappointed Italian has the basis for a suit. The Italian may petition for a temporary restraining order, thus blocking the sale to the Jew, pending full trial. How long will the Jewish purchaser keep his offer open?

And what will happen at the trial? The law is vague, it forbids refusing to sell to any person because of race, color, religion, or national origin. How much proof is required? What kind? On whom will the burden of proof come ultimately to rest?

We have considerable experience with a similarly vague law. An analogous provision in the National Labor Relations Act prohibits discrimination by employers which tends to discourage union membership. The National Labor Relations Board considers itself as having a prima facie case of discrimination when a union man is discharged by an employer who has betrayed an antiunion sentiment. At that point the burden of proof shifts to the employer. He must show that there was some good cause for the discharge—a violation by the discharge of some strictly enforced rule, or a failure by him to meet objectively demonstrable standards. If he fails in this showing, the employer will be found guilty of unlawful discrimination.

The homeowner under title IV is in a much more difficult position than the employer under the National Labor Relations Act. How is the homeowner to prove—in the case I give—that he had some objectively demonstrable cause—other than race or religion—when the Italian made the same offer that the Jew made?

It is possible that the federal courts, unlike the National Labor Relations Board, will require objective evidence of discriminatory motivation before they hold homeowners guilty of title IV violations. But if the courts take that position, title IV will become a dead letter; ocular proof of discriminatory motivation is in the nature of things unavailable. Hence the probability, if title IV is to be viable, is that the courts will do what the Labor board has done; that is, rely upon presumptions and inferences. In that case title IV will become an even more pervasive instrument for the denial of due process than the Labor Act has been. The burden of proving lack of discriminatory motivation will fall upon the homeowner, and in 99 cases out of a hundred, he will be unable to carry that burden. He will not be able to prove, in the case I have cited, that there was a nondiscriminatory basis for his refusal to sell to the Italian.

All this to the fact that he will probably have been restrained by the court from conveying to the Jewish purchaser, pending trial, and it becomes evident that title IV puts the homeowner into an impossible position when he is confronted with purchasers from different minorities. No matter which he chooses to sell to, the other is in a position to make life miserable for him. An age-old instinct of the common law was to

conceive rules in the manner most likely to encourage and promote the alienability of realty and chattels. It would appear that the aim of title IV is, at least, in part, to frustrate realty transactions.

If the homeowner is confronted with offers from a Negro and a white Anglo-Saxon Protestant, he has no choice under title IV at all. Preferring the Anglo-Saxon Protestant, will, if the disappointed Negro is belligerent or fronting for a pressure group, produce an immediate restraining order, frustrating an immediate sale and probably inducing the purchaser to go elsewhere, for many important family matters hinging upon the timing of home purchases. Again, there will be a trial, probably prolonged, and how will the homeowner establish that his choice was not on the basis of race or religion? He has everything to lose and nothing to gain from fighting the case.

Title IV takes away his precious freedom, his right of private property, and makes a mockery of due process while doing so. "National necessity" is cited as the justification for this vicious betrayal of some of the best of the American tradition. But I am unable to understand how it can be nationally necessary to destroy what is good and strong in a nation. Title IV is an instrument useful only to beat the country's homeowners into a state of supine submission. Perhaps they will rebel against it, however, in which case there will be chaos.

Perhaps title IV will stimulate evasive hypocrisy on a universal scale, an even more repulsive possibility. But meek submission is what the bill seems to aim at, and I can think of nothing more foreboding than the realization of that aim. No great society was ever built by sheep or cattle.

Intimidatory remedies: There is an infinity of evil in title IV. Section 406(c) provides that "the court may grant such relief as it deems appropriate, including a permanent or temporary injunction, restraining order, or other order and may award damages to the plaintiff. . ."

The homeowner will have to be foolhardy indeed (if he) refuses to sell to the member of any minority group. . ."

Special note must be taken of the variety of court orders authorized by section 406(c): "permanent or temporary injunction, restraining order or other order." Obviously there is plenty of room in this catalog for the most extreme type of court order, the mandatory injunction. In short a homeowner may be ordered to convey his property to a person to whom he does not wish to sell it, or even, indeed, after deciding to withdraw it from the market. Consider this type of case, which occurs often enough: after getting only one offer for his home, and that from a Negro, the homeowner decides after all that he does not wish to sell; the Negro, or some supporting organization gets its wind up, creates a great deal of publicity, leading to what may be called humiliation for the would be purchaser, and then files suit, demanding a mandatory injunction and all kinds of damages allowed for in the bill, Moreover, the Negro convinces the court that he lacks means and thus acquires a subsidy for all court costs, fees, and other costs.

What is the position of the homeowner in such a case? He made no formal announcement that he was withdrawing his house from the market. Born and raised a freeman he felt no obligation to clear his change of mind with anyone. . . . But how will he prove that there was no discriminatory motivation in the face of the evidence—the prima facie case—against him? Should he fight the case? If he fights, the costs will be heavy, and his means in all probability slender. There is no provision in the law covering his costs, if he wins. Can one afford to fight such a case? Why fight, anyway? Why not just let the court take away the house and convey it to the person who wishes to purchase. It's only a house, after all, . . .

I said title IV would stimulate the growth of police state conditions. What I had in mind was sections 407 (a) and (b) which give the Attorney General a roving commission to institute or to intervene in title IV proceedings pretty much as he pleases. Section 407(a) permits him to institute suit whenever he (not the court) "has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted to this title."

All the forms of relief available in private suits are made available in suits instituted by the Attorney General.

The Attorney General has even broader and more vaguely defined power to intervene in actions commenced by private parties. Under 407(b) he has the authority to intervene if he merely certifies that the action is of "general public importance."

The effect of these two sections is to authorize the Attorney General to police every real estate transaction in the United States. Obviously even the enormous tax revenues of the United States and its prodigious number of officeholders are not sufficient to permit the Attorney General to intervene in every transaction yet. He will have to pick and choose. The picking and choosing is likely to be dictated in title IV cases largely as it is in all similar instances of governmental intervention. Political, publicity, and psychological considerations will play an important part. Thus the full power of the Federal Government will be thrown against the homeowner who happens for one or another of these reasons to constitute a suitable target. The police state implications of this boundless grant of power are too obvious to require comment. Pity the poor homeowner who finds himself caught in the middle.

In conclusion, there is no doubt in my mind of the proper disposition of title IV of S. 3296. It should be rejected. I repeat: I take no position on the question whether racial amalgamation of residential neighborhoods is desirable; in a free country residents should make that decision each for themselves—not politicians or government agents, or courts. What I am convinced of is that compulsory amalgamation has no place in a free country. What I am convinced of further is that title IV is a measure devilishly and deviously contrived in each of its provisions to work a compulsory amalgamation. Title IV is advertised by its proponents as a "national necessity" designed to promote freedom and justice. In fact, it is a national disaster which destroys freedom while spreading injustice across the land. If title IV is passed, it will amount to a declaration of war by the Government of the United States against its sturdiest and most productive citizens, the homeowners of the United States. The consequences for the country cannot be anything but evil.

Mr. President, I feel that Mr. Petro's logic is unimpeachable. He has made it plain that this bill would impose a very serious and unwarranted burden upon those to whom its provisions would apply. The imposition of this burden is indeed a compelling argument for rejecting so-called fair housing.

NOT A SECTIONAL PREJUDICE

I think it is important to point out that opposition to open housing is far too widespread and concerted to be passed off as narrow sectional bias and prejudice. To southerners there is a certain relish—and no small comfort—in being joined in this fight by rank-and-file citizens and leading legal officers from such States as Wyoming and Utah. Quite understandably, most Americans incline to view problems from a personal, or parochial, perspective, and it is interesting to listen to the great cries of protestation coming from Northern and Western States, which will most quickly and constantly feel the impact of this legislation.

I also wish to discuss for the record the very eloquent statements of opposition advanced on a nearly uniform basis by various local and State real estate boards across the country. Some persons might be quick to discount or rationalize this opposition with the cry of "vested interest," but I hope to illustrate that along with the profit motive, there is a great concern for civil liberties shown by these boards.

The attorney general for my State of Louisiana, the Honorable Jack P. F. Gremillion, who is one of America's foremost legal minds, has consistently spoken for the people of Louisiana against various forced integration measures, and selected comments from his memorandum this year to the Senate Subcommittee on Constitutional Rights are worthy of mentioning here today.

Attorney General Gremillion, a former president of the National Association of Attorneys General, calls the open-housing proposal "an attempt by the fast-growing Federal arm to completely dominate every phase of life that is left yet to the people of the United States."

He continues:

It, of course, would be foolhardy to direct the Federal Government's attention to the long historical fact that private ownership and individual choice, even in the presence of any minority group, has long been an historical fact that the American people cherished. It takes no great historian to trace the history of this country to see that this country was formed by individuals who were oppressed by persecutions brought upon them in their native lands. It was to get this "freedom of choice" that the people came to what is later to be known as the United States to begin their life. They had freedom of movement and a freedom of choice.

When that freedom of choice became challenged, they participated in the American Revolution and won their freedom based on the theory that they had a right to participate in the government of certain issues. In essence, as we all know, the American Revolution was fought to protect the property rights of the American Colonist.

Then came the procedure of setting up the government whereby they would govern themselves.

It was evidently and historically the fact that the Articles of Confederation were drafted with the spirit of maintaining the sovereignty of the states. There is no doubt in anybody's mind that the Constitution of the United was drafted under the same provisions in mind, to wit, the sovereignty of the individual states.

To put it more bluntly, the present housing provisions in the new Civil Rights Act is merely a taking away from the individual citizens and the state their property right of freedom of choice. No longer will it be possible for an individual to personally and subjectively have in mind discrimination against anybody for whatever particular reason he might have. It is not too far in the distant future when the Federal Government will call a meeting for such a date and everybody must attend whether he wants to or not to discuss situations whether you agree or not and do those things, whether you

agree or not, that the Federal Government says if you don't do, it is "discrimination." This freedom of choice that you and I have as individuals no longer is a rule of this form of democracy.

This is the danger towards which the Congress of the United States is presently moving. There are no legal authorities which indicated that the position of the Federal Government insofar as passing such drafting legislation as discrimination or alleged discrimination in private housing because this is a country of "freedom of choice."

With the development, however, of the source of law referred to by the Congress and the Supreme Court it becomes a matter of social and economic standards.

In reading the provisions of the act in question with reference to the sale or rental of housing it appears to be devastating to the individual land owner. These arguments have been advanced, as this office knows, when the fair employment practice act was before the Congress but they will be advanced here because they are so important that they should be reiterated time and time again.

Our society was built upon the basis that individualism was the keynote to success. That is, each man strove to rise above that of being merely a member of society and tried to push ahead so that he himself would be the owner of various things. Having worked hard toward that goal, now the Federal Government say that he as an individual owner must abide by decisions by the Federal Government, whether he believes it or not, rather than the decision of his own mind.

Congress now say that it will be illegal, if this law is passed, to "sell, rent, or lease, refuse to negotiate for the sale, rental or lease of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin." Imagine if you will, someone attempting to rent my house. I would have to as precaution have an individual tell me his race, his religion and how much he can afford to pay, otherwise a refusal of one of the individuals might tend to make me liable under the statutory provisions of this bill for damages.

What of the civil right of individual discrimination as opposed to state action?

What of the civil right of an individual land owner to discriminate against anyone, for any reason?

Is the right to be able to lease or buy property from anyone a civil right?

For Congress to enact this legislation and by so doing to hold out such right or ownership as a civil right to be a violation of the principals handed down to us by our forefathers. Certainly, such a right, which is in essence the violation of one group's rights in order to accommodate another goes historically against the purposes and intentions of that noble band of men who drafted the United States Constitution and ensuing amendments thereto.

The attorney general of the State of Wyoming, the Honorable John F. Raper, regards title IV of this civil rights package as "an interference with the right of ownership and private enterprise, which is as offensive as discrimination in public matters."

And he adds:

I have never heard of any complaint having been made in the State of Wyoming that would justify such an imposition of regulations. There ought to be a need before there is a law. Furthermore, all these matters should be left to the regulation of the states, if and when any need therefore arises.

Taking another approach, the Honorable Phil L. Hansen, attorney general of the State of Utah, warns that title IV raises a "most serious constitutional question."

Attorney General Hansen says:

It would appear that the bill goes beyond what the Supreme Court indicated was permissible under the 14th Amendment to the Constitution of the United States at the time of the original civil rights cases were decided in 1883.

I am particularly pleased to apprise my colleagues of the very astute comments submitted by the Honorable T. W. Burton, attorney general of the State of North Carolina, the State represented by the able Senator from North Carolina [Mr. ERVIN], who is present in the Chamber. For Attorney General Burton, in his opposition to open housing, warns, as I have earlier today, that once the Negro accedes to the ownership of property, such legislation will work equally to his disadvantage.

What the members of this minority group and their white supporters do not realize, is that all of these proposals are like a two-edged sword—

He says:

This present minority and its organizations are now in power but there is no reason to believe that will forever continue in power, and when another group whose concepts are adverse to this present minority group shall have attained power, then all of these things will be turned against the present beneficiaries.

Those are not the words of a mad racist, Mr. President. They constitute the considered opinion of a perceptive legal and social mind. It is the comment of an official who has the keenness of insight to foresee the ramifications of such sugar-coated promises.

At the commercial level, legitimate protest against "fair-housing" legislation has been expressed by local and State real estate and homebuilder associations, as well as the respected National Association of Home Builders. As I have said, I believe this protest is borne not of greed or racial prejudice but of valid apprehension that the rights to transact business at one's discretion stands to be greatly abridged.

In a letter to the Senate Subcommittee on Constitutional Rights, the National Apartment Owners Association observed that "in the accelerated drive for civil rights, the property rights, guaranteed in the Constitution, are being ignored."

And it warned:

Surely, a law in the nature of the one now proposed will discourage investment in real estate. When an individual decided to invest in real property, he is choosing this investment in lieu of other possibilities, such as stocks or bonds. He has determined that this investment will reap a return, or fail, based on his own judgment. Adverse governmental pressures will undoubtedly discourage real estate investment. This discouragement would come when the need is the greatest for housing.

In his letter to the subcommittee, Mr. George Bower, president of the Wyoming Association of Realtors, also took a very dim view of such forced integration measures.

We believe that the cause of improved race relations can only be retarded, not enhanced by this measure, Mr. Bower wrote.

In every case where a similar law has been submitted to a referendum of the people it has overwhelmingly been rejected. . . .

We further feel that the moral end advanced by Title IV cannot justify the means through which it is sought to be obtained, and that it obliterates the distinction between public and private affairs.

If individual freedom is worthy of preservation, it behooves all Americans to mark well the distinction between public and private affairs, and to employ most sparingly the court of law to coerce human conduct in areas of private affairs.

The Connecticut Association of Real Estate Boards told the subcommittee that:

We believe that the individual who has acquired a piece of property often after many years of hard work and saving, has the right to decide for himself to whom he will sell it. We do not regard this as a property right; we regard it as a personal right.

We believe that the enforcement provisions of this Bill are one-sided and unjust. They seem to be drafted on the assumption that every complainant is right and every person complained against is wrong.

They provide for the appointment of an attorney for the plaintiff, at public expense and without setting out any criteria for such appointment.

They provide for a temporary injunction which may tie property up for many months, without any provision for either a prompt trial or a bond to protect the defendant in the event that the complaint is ultimately dismissed. They provide for damages for "humiliation and mental pain and suffering," without limit. They give to the prevailing plaintiff a "reasonable attorney's fee," but there is not provision for paying a reasonable attorney's fee to the defendant in the event that he prevails.

I wish to draw special attention to the views expressed by the National Association of Home Builders, the trade association of the American home building industry and sole spokesman for that industry since 1942. Today it represents more than 45,000 members, organized in 402 State and local associations throughout the United States, Puerto Rico, and the Virgin Islands This group includes many of the leading citizens of their respective States, and I am certain that great numbers of them are counted among the close friends of my colleagues.

In a statement to the Constitutional Rights Subcommittee, the association said, in part:

During the past decade we have consistently urged that discrimination in housing results primarily from deep-rooted and long-standing community prejudices, and as such, cannot be eliminated solely through legislation.

In 1959, the Association's Policy Statement pointed out: "Real progress toward this goal (elimination of discrimination in housing) . . . is obscured by the enormous problems arising from deep-seated emotional convictions which the home building industry did not create. . . ."

We recommend the continuation of existing programs, and the development of new programs, designed specifically to attack the underlying problem of an inadequate supply of housing available for low-income families which affects all Americans regardless of race. Such programs as the Rent Supplement Program, the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Elementary and Secondary Education Act of 1965 simultaneously attack the evils of poor housing, poverty, unemployment and underemployment, and lack

of education. They provide the essential social and economic foundations without which civil rights laws with respect to housing can have little meaningful effect.

Mr. President, I hope to have the opportunity to speak on this subject again before the debate closes. For tne moment, I wish to summarize. As I stated at the beginning, for all the reasons I have stated, I believe the measure should be defeated.

The most essential feature of the bill, through which it has been identified to the public, the so-called open housing provision, is completely contrary to the intent of our Constitution. It is not the best way to advance the cause of the Negro in this Nation. The general proposition that we achieve rights for some by denying even more basic rights to others should be rejected by the Senate.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I highly commend the Senator for his speech. I heard most of it, and was very much impressed with some of the points he made. The Senator is very thorough and completely correct, according to my analysis of the situation with which we are confronted.

Mr. LONG of Louisana. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Without objection, it is so ordered.

Mr. HART. Mr. President, I think before we recess for tonight, it is appropriate for those of us who have proposed that the Senate be permitted to proceed to a debate on the House-passed civil rights bill to review the bidding.

Across the country, I know that people, in reading their newspapers, assume that what we are debating here is the House-passed civil rights bill of 1966. The truth is, of course, that the motion the senior Senator from Michigan made was that the Senate be permitted to take up that bill so we could debate it. That is what the discussion involves; we ask that the Senate have a chance to decide on the bill.

At the risk of repeating, in some respects, what was said on Tuesday last, I think it would be well to bring into focus again what it is that brings us to the situation we face today.

In April of this year, the President of the United States sent to Congress a message outlining the urgency, as he saw it, of legislation in the area of civil rights, and more particularly in some six enumerated areas of concern. On that same day last April, the Attorney General sent to both the Senate and House of Representatives a draft of a bill intended to achieve the objectives of the President's message.

That bill, in the Senate, was offered by 19 Senators from both sides of the aisle. It was referred to the Committee on the Judiciary, and there was assigned to the Subcommittee on Constitutional Rights. Early in June, the Subcommittee on Constutional Rights opened what proved to be 22 days of hearings on the bill. As its first witness, there appeared the Attorney General of the United States. He testified, as I read the record, for 4 days. He was questioned at length on many aspects of the legislation.

The additional witnesses who appeared before that subcommittee, as one will note from reading merely the index of witnesses in the record of the subcommittee hearings, represented the very broadest spectrum of interest in the area of civil rights. We find listed there Members of Congress who had direct concern with respect to the legislation, some testifying for and some against it. We had spokesmen from the construction and real estate industries. We had a number of concerned citizens. The catalog of the interests of those witnesses encompasses, I think, every aspect of the economies concerned with the proposed legislation.

Mr. President, the struggle to achieve equality of opportunity for all our citizens and to eliminate from our society arbitrary discrimination against any group of Americans is not the struggle of any single political party or private interest group. It is the task of all Americans who believe that a free society based on the principle of equality can really be made to work. This year, 100 years after the 39th Congress passed the first Civil Rights Act on April 9, 1866, it is fitting that Republicans and Democrats alike should join forces in passing the Civil Rights Act of 1966. We now ask the Senate to permit us to consider this bill.

When enacted, this bill will be the fifth item of major civil rights legislation to be put on the books by the Congress in the past 9 years. Beginning in 1957 and 1960, and culminating in the Voting Rights Act of 1965, the Congress has taken major steps to secure the right to vote without racial discrimination, and I am confident that the day is fast approaching when even the effects of past voting discrimination will have been eliminated entirely.

In 1964, significant steps were taken to eliminate segregation in public accommodations, public facilities, schools, employment, and federally assisted programs. As a result, today, as never before in our history, Negro Americans may enter a restaurant for a meal without fear of rejection, obtain decent lodging for the night, secure an appropriate job, if qualified, and use hospitals, parks and, in an ever-increasing number of districts, send their children to desegregated schools. Without in any way discounting the seriousness of the racial problems which still face us, I think we may take pride in what the Congress has done.

I must frankly concede that some of our citizens seem to think we have done enough. They ask, "Why more?" "Why another civil rights law?" The answer is clear. The disease of racial discrimination is not easily cured. It has infected practically every organ of the body politic. And while we have injected strong medicine into certain vital spots, the disease remains in others. We must turn our attention to these other organs if the patient is to fully recover.

Others ask, too, "Are not the recipients of our beneficence ungrateful? Do they not riot in the streets? Do not some of their leaders belittle our efforts? Is it worth the candle after all?"

The very way these questions—which we have all heard—are framed reflects the caste system of our society that we are trying to uproot. The suggestion seems to be that, because a few—and it is only a very small minority who have done these things—deprived Negroes have given in to violence to express their deep grievances, all Negroes should continue to be deprived their rights; that because an occasional Negro speaks irresponsibly, we should do nothing for any Negro. In short, it is the age-old non sequitur again—a few Negroes are wrong or irresponsible—ergo, all Negroes are unworthy. This, my colleagues, is just racism, pure and simple, although many who entertain these ideas, including some friends of mine, would be shocked to hear themselves so described.

There is another answer to these questions. We should not expect nor seek gratitude for what we do. Citizens who have been oppressed for two centuries do not view what they are beginning now to obtain for the first time as charity, for which they should be grateful; rather, they see the recent gains as only what is due them, and not enough at that. Indeed, the unrest among the Negro communities, the rising expectations and concomitant disillusion and disappointment many of these citizens feel, is in its way a tribute to the partial success of our past efforts—it is an historic fact that men seek serious change in the social order only when they begin to see daylight, not when they feel hopelessly downtrodden. Who among us, I ask, is prepared to tell a slum dweller that his hopes are too high—that he aspires to too much—that he must settle for his miserable lot? That point of view is not part of the American tradition as I understand it.

Finally, I am fully in agreement with another argument I hear frequently—that we ought not to pass laws because of riots in the streets. We ought to pass this law not because of riots but in spite of them, in spite of excesses—which of course are not limited to Negroes—in spite of inflammatory and unwise speeches. We ought to pass this law because it is just and because we believe in justice.

I turn now to the need for the particular provisions embodied in this bill.

Although more progress has been made in the past year in desegregating our public schools than in the 10 previous years combined, still only 6 percent of the Negro school children in the Southern and border States attended school with whites during the 1965–66 school year. Although our jury system is fundamental to our heritage, it is

nonetheless true that in some State courts there has been gross discrimination in the selection of juries, and that even Federal juries have sometimes failed to reflect adequately the communities from which they are drawn. In some places crimes of racial violence directed at the suppression of Federal rights have gone unpunished because of an inability or unwillingness of State courts to convict where the evidence seemed clearly to warrant conviction. And, perhaps most important of all, one of the basic necessities of life—adequate shelter—has too often been denied to many of our citizens solely because of the color of their skin.

It is the recognition of these problems and an awareness that the fight for equal opportunity must be fought on many fronts at once, that prompted the introduction of the Civil Rights Act of 1966.

We are each responsible for our views on the merits of this bill. But let no one argue the Senate is asked to take up the bill without full, adequate explanation of it. On Tuesday, there was reported in the RECORD the views of 10 members of the Judiciary Committee. No report is full; it contains a section-by-section analysis of the bill, and the bill, incorporating the amendments made to it by this Subcommittee on Constitutional Rights of the Judiciary Committee, together with the several amendments recommended by this majority of the Judiciary Committee and outline, title by title, of the need and constitutional basis for the bill. The Senator has at hand just as full information on this bill as on other pieces of legislation. This issue pending is, Will the Senate be permitted to take up the bill to debate it, and by majority vote, act. The issue is on overriding one for America. Surely the Senate should be permitted to act upon it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. All that mass of testimony was taken, was it not, on the so-called administration bill, which is not the bill the Senator is now moving to take up?

Mr. HART. The bill before the subcommittee at that time was the administration-sponsored bill, which, in some important respects, has been amended on passage by the House. The principal features, however, are included in the bill we are discussing as well as in the bill that was before the subcommittee at that time.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, if the motion is agreed to by the Senate, and the bill is taken up—which is not the bill upon which hearings were held by the Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary—will there not still be in the wings, the original bill, which will be available to be picked up as a whole and offered as a substitute or picked up title by title and offered as amendments to the bill which the Senator seeks by his motion to bring up?

Mr. HART. The Senator is correct. That would include any amendments that any other Senator might care to offer. That is the situation that faces us with respect to any legislation that we take up; it confronts us in every case.

Mr. HOLLAND. Therefore, the question of taking up the measure is in itself a very important question, is it not, because every Senator has knowledge of the fact that the administration wants the much broader proposal which is embraced in the administration bill upon which hearings were held and which the able Attorney General justified so strongly as to constitutionality and wisdom? Every Senator knows that is the situation; is that not correct?

Mr. HART. I think every Senator has even broader knowledge. There was filed on Tuesday last by a majority of the members of the Senate Committee on the Judiciary a statement of their points of view. That statement includes all of the chronology of this legislation, an analysis title by title and section by section of the House-passed bill, amendments added by the Senate subcommittee, and several amendments which the 10 members of the Committee on the Judiciary indicate in their report they believe should be agreed to by the Senate.

It is my point that we find ourselves today as fully informed with respect to the legislation that it is proposed that we be permitted to take up by this motion, as we are with respect to any other bill that comes before us.

On page 21854 through page 21872 of the CONGRESSIONAL RECORD will be found the joint statement filed by the 10 members of the Committee on the Judiciary. That statement reflects fully the chronology and the nature of the administration-introduced bill, the nature of the bill as amended by the House in its hearings and as amended by the House on passage, as amended by the Senate subcommittee of the Committee on the Judiciary, and as proposed to be amended by us.

The Senators who take this position and recommend this action to the Senate are the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. LONG], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from Maryland [Mr. TYDINGS], the Senator from Hawaii [Mr. FONG], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New York [Mr. JAVITS], and the Senator from Michigan [Mr. HART].

Mr. HOLLAND. That list comprises 10 able Senators out of 100 Senators.

Mr. HART. It comprises a substantial majority of the Committee on the Judiciary which is making the report and to which committee the problem was referred.

Mr. HOLLAND. It does comprise only one-tenth of the membership of the Senate.

Mr. HART. The arithmetic of the Senator is correct. And it does comprise 10 of the 16 members of the Committee on the Judiciary. I think that is highly relevant arithmetic on the question as to whether we should take up the bill.

Mr. HOLLAND. Mr. President, the point that the senior Senator from Florida has difficulty in understanding is why the advocates of the bill we are discussing have not seen fit to debate the measure on the motion made by the Senator from Michigan.

It is so apparent that that motion presents a very difficult issue. Everyone knows that if this bill is taken up, with all of the differences which exist between it and the administration measure and all of the pressure behind the administration measure, including the 10 able Senators who have been named by the Senator from Michigan, numerous civil rights groups, and others—and some unknown sources as well—with all of those pressures available to stand behind any part of the original bill which may be offered either as a substitute or as an amendment, those who fear the bill that is now attempted to be motioned up and those who fear even more the administration measure think that there is a very great issue involved, which concerns the question of whether we should take up the bill.

Those who apparently advocate passage of the bill we are discussing have not seen fit to recognize this as a substantial issue. The senior Senator from Florida thinks it is a highly substantial issue and he does not understand—and he says this without criticism or reflection—why those who advocate and support the bill have not only not seen fit to argue for the bill on the floor of the Senate at any length or to even explain it in any detail, but also have not seen fit to supply us with a quorum so that those who want to argue against the bill would have that opportunity.

A cloture motion has now been filed without any Senator who is opposed to the measure—and there are many—having been heard except three.

It seems to the senior Senator from Florida that the Senator from Michigan and his associates whom he has named fail to see that the very motion made by the Senator from Michigan to take up this weaker bill is a very real issue that deserves to be debated.

We have not been able to understand why the advocates of the bill have not been willing to let their wisdom be heard on the floor of the Senate.

Mr. HART. Mr. President, in equally good grace, I say to the senior Senator from Florida that there are those of us who do not understand why there are those here who, whenever a bill involves civil rights, consistently, regularly, and fully within their rights, insist that we not be permitted to take up and debate the bill in the Senate. That is all that we now seek to do.

I know full well, as has been true in the past, that now that a bill is presented to us which does seek to respond to denials of human rights, which some of us believe have been documented in this country, there are those who insist for a variety of reasons, some of which the

Senator from Florida has very eloquently described, that we ought not to be permitted to work our will.

I say to the Senator from Florida that any time any piece of legislation comes before us and is up for debate, the possibility exists that a decision of the majority of the Senate will be displeasing and disturbing to us and that we may think it is unwise.

That does not justify our putting the Senate in a position in which it cannot act. We are merely trying to put the Senate in a position in which it can act.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. KENNEDY of Massachusetts. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Michigan. Will the Senator from Michigan agree with me that the fundamental substance of the bill—which we seek to take up—is essentially and substantially the same measure that was considered by the Judiciary Subcommittee over the period of time to which the Senator has alluded?

Mr. HART. I would agree. As the Senator from Massachusetts knows well, two titles were added by the House, but the fundamental substance of the bill we seek to take up was reviewed in the subcommittee.

Subsequently in the Subcommittee on the Judiciary, the House-passed bill was substituted and, indeed, amended in many respects. So we have, indeed, responded to that version, to the House-passed bill.

Mr. KENNEDY of Massachusetts. In a number of areas, particularly title I and title II, the measure which came over from the House was strengthened. For example, title I, the clerks of U.S. courts around the country made a series of recommendations with respect to provisions of title I. Many of them were considered not only by the Senate Subcommittee on Constitutional Rights and the 10 members of the Committee on the Judiciary but also by the House, as well, and were incorporated in the bill.

Would not the Senator from Michigan agree with me that during the period of the hearings held by the Subcommittee on Constitutional Rights—the hearings held under the leadership of the chairman, the distinguished Senator from North Carolina [Mr. ERVIN]—the subcommittee fully explored all the sections of the administration bill? Those hearings covered in great detail every aspect of the administration bill—the underlying policy, and the question of constitutionality, and indeed virtually all the issues which would be before us if we were permitted to take up the House bill. Therefore, there was really a full hearing on this measure, in considerable detail, before the subcommittee.

It seems to me, as a member of that subcommittee, which acted on and voted to report the House bill to the full committee, that much consideration was given to it by the appropriate Members of the Senate.

I think we all agree that in any given instance we must place a degree of confidence in the members of the committees which have jurisdiction over particular matters. The Subcommittee on Constitutional Rights considered this bill and recommended it to the full Committee on the Judiciary. Ten members of the full Committee on the Judiciary, a decisive majority, have studied the bill, amended it in many respects, and reported at great length to the Senate on its provisions, and on the question of constitutionality.

The question which poses a considerable problem to me is why the entire membership of the Senate should not have an opportunity to hear the debate that would be conducted on the merits of the issue, if the bill were permitted to be taken up by the Senate.

It is said by some that we should not take up this bill because the Negro has discredited the cause of civil rights by the racial violence we have experienced this summer.

I reject this argument. I condemn this violence as strongly as anyone in this Chamber. But we, as legislators, cannot allow our legislative judgment to be determined by the misguided activities of a small number of Negro militants. We should not legislate out of resentment, or frustration, or anger. Nor should we permit our vision of a just and equal society to become obscured by the transitory turbulence of the moment.

This civil rights legislation is no less needed—is no less wise—because of this summer's violence. The need for jury reform, for fair housing and open occupancy, for Federal protection against crimes of racial violence are not ephemeral things—the need which exists for passage of this legislation will not disappear, it can only grow greater.

Our legislative responsibility is to look beyond the popular climate of the moment, to the long-range social needs of this Nation. There may be white backlash as a result of this summer's violence. It may be politically possible to be against further civil rights legislation.

But I think it would be extremely shortsighted to legislate on the basis of the sentiments of the moment. The drive for equal rights and equal justice for all our citizens must continue.

A majority of the Senate recognizes this fact, and should be permitted to work their will.

Mr. HART. Of course, the Senator from Michigan agrees fully with the point of view suggested by the Senator from Massachusetts.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. The Senator from Florida agrees with his friend the Senator from Massachusetts that we are all very anxious to hear the merits of this bill debated; and we have not been able to understand why the advocates of it have not been willing to favor us with an expression of their wisdom upon it.

We do not know whether they will stand upon this measure or whether they will try to substitute the administration bill as a whole, which is a much farther reaching bill. We do not know whether they will attempt to offer amendments substituting, let us say, title IV of the administration bill for title IV of the House bill. We do not have the point of view of their wisdom upon what they have heard during these 20 days of hearings.

The Senator from Florida, having served in the Senate for 20 years, knows that there have been many, many instances in which arguments upon the merits of a bill have been heard in extenso upon the motion to take up, and, speaking for himself, has not been able to understand why the distinguished Senators who profess to be advocates of this bill have not been willing to make the welkin ring with their support of this bill while this motion is being considered, when everybody knows that a very great issue is involved in the approval or the rejection of this motion.

Mr. HART. Mr. President, to refer again to the report that was filed by the 10 members of the Committee on the Judiciary, I think our position is pretty clear.

We say there, as we reported to the Senate a week ago, that we feel a certain restraint on each of our actions with respect to amendments; we say and I quote:

> The major objective we urge upon the Senate is the passage of the House-passed bill, H.R. 14765, with the minimum amendments we will introduce today and explain.

The report explains the amendment—none seeking to substitute a title, none far reaching. All seek, we believe, to make for clarity. They do not broaden appreciably any of the features of the House-passed bill. They have been printed and available to the Members since last Tuesday.

I say, Mr. President, whether this was a civil rights bill or a bill to legislate with respect to the consistency of mashed potatoes, the Senate has before it as full an explanation of what is intended and recommended as will be found in any piece of legislation that comes to the Senate in due course.

For one, I cannot agree with the Senator from Florida, that because it is a civil rights bill, we have to apply a new rule and that, nothwithstanding the very clear outline of the evolution of the bill, an analysis of it and the position of the majority of the committee with respect to it, we have to debate twice the merits of the bill. We say in this case, as in any other, permit the Senate to take this matter up and be in a position to act.

I know that the Senator from Florida does not agree this year, nor had he in any other year, with respect to permitting this in the case of a civil rights bill; and I suspect that in the years to come, if such legislation comes up, he will say again we ought to debate at length the merits of the bill before we are permitted to take it up. I think this is very much the cart before the horse, and is a very undesirable precedent.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. I think that the Senator has covered a little broader territory in ascribing that to the Senator from Florida than he had intended to cover.

The Senator from Florida, and the Senator from Louisiana [Mr. LONG], who is on the floor, and who feels very keenly the unwisdom of taking up this bill which the Senator from Michigan proposes to take up, offered and supported very ardently and argued before it came on finally for argument on its merits, the poll tax amendment, which was certainly a civil rights matter.

Finding the shoe on a different foot, the Senator from Florida still did exactly what he is wondering why the distinguished Senator from Michigan does not do in this instance. He argued the matter before it came up. Then, when the motion was made to take up an innocent-sounding little bill on the calendar—something about, as I remember it, a memorial to—not Madison——

Mr. JAVITS. Hamilton.

Mr. HOLLAND. No, the patron saint of the Republican Party.

Mr. HART. Lincoln? Hamilton?

Mr. HOLLAND. Hamilton. At the time that motion was made——

Mr. HART. I wish the first patron saint I mentioned, President Lincoln, would be listened to on this issue.

Mr. HOLLAND. At the time, the matter was being argued for and very strenuously argued against, and some Senators who are now supporting the taking up and passage of this bill stood with the Senator from Florida at that time, and at each stage argued the matter.

The Senator from Florida sees no very great difference. He cannot understand why in that instance it was appropriate for those who favored civil rights to argue the wisdom of their proposal at each stage at which they had an opportunity; whereas now, so far as the Senator from Florida has heard—and he has been on the floor much of the time during the little figment of a debate that has taken place up until today—he has not heard any argument at all in support of the bill, in explanation of the bill.

I must say to my distinguished friend the Senator from Michigan that there is no more explanation in this matter than there is in the case of any bill prior to the time debate on it commences on the floor. The Senator has less than usual, because he has no report from the Committee on the Judiciary. The Senator has a report from the subcommittee to the full committee.

Generally, the Senate has a report of the full committee. Generally, the Senate has other items which are not now available before it.

Yet, for some strange reason, in a way that is very difficult to account for, because it is an unusual element among Senators, the advocates of this bill have been tonguetied and have not said anything in behalf of it. Whether they have no strong conviction in support of it, whether they are hoping secretly that cloture will not prevail, or just exactly what is their motive, I do not know. But we have been saddened that we have not been able to hear strong and ardent and vigorous debate in support of this bill, such as occurred in the case of the poll tax amendment and at other times on civil rights matters. But at this time there seems to be an abysmal silence, and it seems so unusual in the Senate, that the Senator from Florida cannot help but comment on it. He has never seen the time, when a civil rights bill came up and a motion was made to take it up and there was argument against the bill itself, that the advocates of the bill have not been willing to express their convictions and to give their reasons for the consideration of the full bill at the time of the debate of the motion. This is the first time in 20 years of the Senator's experience in the Senate that he has seen such a situation, and it calls for some explanation.

One of the explanations I hear in the corridors is that the advocates of the bill are not as strong in advocacy as they have been sometimes in the past, not as hopeful for cloture as they have been sometimes in the past, and not blind to what is happening in the country, from Boston to Los Angeles and from San Francisco to Jacksonville, in the way of riots and demonstrations and murders and arson and all kinds of civil disorder.

Perhaps they have doubts in their minds as to the wisdom of this. Perhaps I am stating a hope. Perhaps they have a hope in their minds that something may happen; that lightning may strike and we will not get a chance to pass on the merits of the bill. But I do not believe that I can state their reasons, or try to put words in the mouths of the advocates of this legislation, if they are advocates of the bill.

Mr. HART. The Senator from Florida will hear from the proponents of the bill, when we are permitted to have this bill before us, the reasons which persuade them to think at this moment in history it is precisely what this Nation should do.

But one thing I hope we who advocate action on the bill shall not contribute to is an extended discussion intended to delay the Senate in taking up the bill. I am sure any contribution we make to that effort would be welcomed by those who want no bill.

But the 10 members of the Judiciary Committee, a majority of the standing committee, have advised the Senate fully with respect to the bill and our intentions in as full a fashion as will be found in any report that has been filed with this body over the years.

If what the Senator from Florida was, in his gracious way, seeking to avoid saying with a harshness that would be offensive, let me state it in the harsh terms, as something I have heard. The argument is made that in the last several years we have passed five civil rights bills, and the beneficiaries are unappreciative. Parenthetically, of course, all we are seeking to do is deliver on promises we had made them or their forebears years ago, and we are still talking about delivering. The argument is that they are unappreciative; and do not they riot in the streets? Why legislate under the compulsion of riots?

Now, this is not the question in the form that the Senator from Florida [Mr. HOLLAND] addressed to me. But I wish to say something about the persons who have and do ask that question. The way that is framed reflects a caste system that we should be trying to get rid of.

The suggestion seems to be that because a few have done these things—let us face it, a very few Negroes have given in to violence to express their deep grievances—therefore, all Negroes should continue to be deprived of their rights; that because the occasional Negro speaks irresponsibly we should do nothing for any Negro. It is the old nonsequitur: a few Negroes are wrong, a few Negroes are irresponsible; ergo, all are bad or unworthy.

In my book that is as pure an example of racism as one can find. I buy the argument that we should not pass this legislation because people are rioting. But I insist we should pass it in spite of the rioting and not because of the rioting. We should pass it because it is just and right. The long-term verdict of history will be favorable if we do pass it, and it is apt to be very harsh with us, if we do not. It is not just the clock of history that runs today; it is the calendar. It is 5:15 in September in an election year. This gets back to the delay sought to be imposed in taking up the bill. If I wanted no part of civil rights legislation, I would be busy around here, contending against the Senate taking up the bill. I do not share that point of view.

I believe that should the majority here desire that we be permitted to take up the House bill that is now the subject of the motion to take up, that we should be permitted to work on it; to decide what a majority feels is right, what a majority feels is necessary, and what a majority feel is fair.

To repeat again, the majority of the members of the Committee on the Judiciary made very clear what our judgment is and we have explained in great detail what we proposed to do once the bill is permitted to be before us.

That is all I wish to say. I am not going to engage in any tactic which will delay further decision of the Senate whether we are going to be permitted to take up the bill. Once the bill is before us and we are permitted to work on the bill—once that moment arrives, those of us who believe with deep conviction that this bill makes good sense will explain fully why we feel this way and describe why we feel there is no question about the constitutionalism in respect to any title, all of which we have already done a week ago in filing the report. We will go through it again. But let us please not confuse the country this night. Let us make clear to the country that those of us who support the motion to take up the bill are asking simply that the Senate be permitted to decide if we are going to act. Let us be permitted to explain again what is going on here so the country will understand. The motion is to permit the Senate to debate the House-passed bill; to permit a majority of the Senate to act on this bill. We are asking that we be allowed to take it up. Each of us then can vote yes or no, for this or for that feature of the bill, but let us not duck the issue itself.

ADDITIONAL SIGNEE OF CLOTURE MOTION

Mr. President, I ask unanimous consent that the junior Senator from Ohio

[Mr. YOUNG] and the distinguished occupant of the chair, the Senator from New York [Mr. KENNEDY] be permitted to sign the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I rise first, to join the Senator from Michigan [Mr. HART] in the statement he has made. I must say that I admire the wit and mettle of my friend from Florida. It will be a sorry day when one side takes the words of advice from the other side as to how it shall run its business. Whatever may have been the Senator's laudable role in respect to the amendments, to which he refers, and I approve of them, I thought we could do it by legislation.

In substantiation of what the Senator from Michigan [Mr. HART] has said, I believe there is one point that has not been mentioned. This is a House-passed bill. It was before the House for days. The House worked its will. These are coequal bodies of Congress. It is almost unthinkable that we would permit a bill passed by the other body to die on the calendar without bringing it up.

I can readily understand that the ordinary citizen cannot understand why we should be hassling in the Senate as to whether we should even consider the hotly contested bill which has been passed in the House. I doubt that we would see the House do that to us. Screams of outrage would go up if the House refused to consider a bill on which we had spent 2 months, which would be equivalent time in the Senate. It seems to me that that is the fundamental point which faces us here. It is a matter of dignity and comity of the two Houses of Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Was there not something of that nature in connection with the action of the Senate, or lack of action, on the House-passed bill to repeal section 14(b) of the Taft-Hartley Act earlier this session?

Mr. JAVITS. There was, and I think that was absolutely wrong.

Mr. HOLLAND. And it was debated very fully on the motion to take up.

Mr. JAVITS. I think it was wrong to filibuster against section 14(b) debate. I do not see that that is any reason why I should condone this. I did not agree with that action.

Mr. HOLLAND. The debate was also on the motion to take up.

Mr. JAVITS. I do not believe the Senator has any dearth of information. I should like to see the Senator submit himself to a question-and-answer test. He would pass with 99 percent. I think that he knows as well as I, if not better, everything that is in the bill.

In addition, I think that the proponents of the bill, the Senator from Michigan [Mr. HART] and his nine colleagues have made their position clear because for all practical purposes we are committed to a House bill which is less than the administration bill because we thought we could rally maximum support.

I must say——

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Yes, if I may just finish. I must say, too, that I resent seriously, in the name of the country—not for myself, because I am devoted to the Senator from Florida and am a great admirer of his—the innuendo that we are unmindful of the burnings, the bombings, and the violence which have taken place. I might say, in terms of the justice of this cause: Look who is talking in terms of cause, when for years and years and years there was intimidation, suppression, violence, and assassination, as well as burnings and the denial of elementary justice in large sections of our country. I am sure that the Senator from Florida would never condone that, but when we weigh these things on balance we might insist, before we get so strong and so indignant about the amount of violence which is going on now, that it does not hold a candle, it does not begin to rate with what has been going on for 100 years in this terrible situation.

Let me tell all Senators that I think, and think very deeply, that we will be taking a chance on more violence than we have had before—"you ain't seen nothing yet"—if we deny justice where justice is due.

I say, do not be intimidated by violence, but do not be blind to it. There are not enough policemen or soldiers to enforce the law in this or any other country. We must apportion the law to justice which the people demand. They have a right to demand it. Very much of this is orderly, and deeply felt. Those of us advocating this measure would be derelict in our duty if we did not think to be responsive and to emphasize justice.

Only 5 percent of children in Southern States are in desegregated southern schools. Punishment for murdering a civil rights worker under a Federal law is 1 year in jail and, I think, a $5,000 fine, if convicted, under the statute as construed in the so-called Screws case. Before we wax wrath about the situation, let us look at the facts, let us look at the comparison between what has been going on and what is going on now.

Mr. MORSE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MORSE. I want to associate myself with the position of the Senator from New York. I shared his views in regard to the filibuster on taking up repeal of section 14(b). I am willing to let the record speak for itself. I think that a good many speeches were made on the issue as to whether we should take up the 14(b) issue, and I think the RECORD will show that few major speeches were made in support of repeal of 14(b). I think the most lengthy and detailed one—which is nothing new—was made by me on that occasion. I happened to feel that the people of this country were entitled to have the Senate come to a vote on the merits of that particular issue. I think also that the Senate should do so on this issue. Certainly, there should be fair deliberation on the merits of the issue but I think we have to get the filibuster out of the way first, although tomorrow I intend to make a major speech in support of the bill and explain why I think the House bill is unsatisfactory because it does not go far enough. But, I share the views just expressed by the Senator from New York.

Let us face it. We had better see to it that we stop denying first-class citizenship rights to people because of the color of their skins. If we are going to follow the course of action of discriminating against Negroes as to whether they can own a home, or where they can live, and seek to confine them more and more to the ghettos of this country, we are in for troublous times.

I yield to no one in the Senate in my insistence on the enforcement of law and order; but, just because we stand for law and order, we must not lose sight of the fact that if we continue to deny one-tenth of the population of this country, because their skins are black, their full, first-class citizenship rights, we are in for trouble. I think that the distinguished Senator from New York is quite right at this stage of the debate to warn the American people that they had better take a look at the inevitable. Certainly, we must not continue to move in the direction of the "apartheid" policy of the Union of South Africa; but there are forces in this country that would have us adopt that kind of totalitarianism, and under a democratic label. In my judgment, if we do not stop that trend and do not recognize that all Americans, irrespective of the color of their skins, are entitled to exactly the same rights, both human and property rights, we are heading for great trouble in this Republic.

Mr. JAVITS. I am grateful to my colleague for his comments.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I thank the Senator. I appreciate his courteous remark a few moments ago that he thought I was well informed about the contents of the two quite different so-called civil rights bills.

I do know something about both of them. What I know about them has not led me to the conclusion, apparently reached by the Senator from New York and the Senator from Oregon, that they are good bills to support. Quite the contrary. To me, it is difficult to see any good reason why they should be enacted. I cannot understand why those who support the two bills have not been willing to state their reasons upon the floor of the Senate, and have not done so—so that the people of this Nation can know those reasons—during the past week.

I want to say that I am grateful to hear that my good friend the Senator from Oregon proposes to make a full-dress speech tomorrow on the merits of the proposal. I gather from what he has said that he prefers the administration's bill to the House bill.

Mr. MORSE. The Senator from Florida is correct; I am for the administration's bill, and not the House bill.

Mr. HOLLAND. That justifies the argument I made a few minutes ago. We can well expect, if this bill is ever taken up, that there will be ardent advocates. I certainly appreciate the fact that when the Senator from Oregon is

convinced of the rightness of a particular cause, he is ardently in favor of it.

We are going to be asked that the administration's bill be substituted for the House bill. There are others who are going to ask, if the bill comes up on its merits, for the adoption of amendments out of the administration's bill, title by title, or at least for some titles, to make the bill a stronger one. This justifies my feeling that a very great issue is involved in this motion to take up, and I cannot understand why Senators who have argued at length on the motion to take up repeal of section 14(b) feel that there is any reason why they cannot make good arguments at this time, for the information of Senators and for the information of the public, as to what good they see within the pages of either of these bills, or both.

This is the first time that any such strategy has ever been used on the Senate floor in such a matter in 20 years. There may have been times before that when it was done, but I think that those who oppose this bill, and who are willing to state why they oppose it, are entitled to have the benefit of the arguments stated on the floor, face to face, publicly reported, with those who feel that the bills are good and should be approved and passed.

I repeat again my very great disappointment that such a policy has not prevailed at this time, the first time in 20 years to my knowledge.

I appreciate again the willingness of the Senator from Oregon [Mr. MORSE], in spite of his well-known opposition to filibustering, to speak tomorrow in support of the merits of one of the two so-called civil rights bills which he prefers—and I understand it is the administration's bill.

I thank the Senator for yielding. He has been extremely courteous.

I do not see why a policy that has been good and has been followed in other debates, and one earlier this year on the proposed repeal of section 14(b) of the Taft-Hartley Act, should not be followed again.

It has caused to arise, in my mind at least, this question. I am not looking down at the Senator from Oregon [Mr. MORSE], because he has always been willing to stand and be counted on how he feels. But I have noticed an apparent indisposition on the part of others to speak on the floor of the Senate as to why they think these bills are good and why they should be passed.

Mr. JAVITS. If I did not know the sincerity of the Senator from Florida, I would think he was kidding. Obviously, we are not going to extend the debate and help the filibuster. As far as knowing what the bill is about, anybody can read the RECORD and see in a half hour what it is about, and they will know as much then as we could let them know in 15 hours of debate. So I do not think we are going to be taken in by that argument.

In addition, the overwhelming majority of motions to take up are handled either by consent or are debated for very brief periods of time. The only time we run into this situation is when the dug-in opponents say, "We may as well have two cracks at it." They will have a "crack" at a cloture attempt. So they filibuster the motion to take up. They get licked on that and then they filibuster the bill itself, with the idea of stringing it out as long as possible, so that everybody gets tired of it, and wants to leave and get home and campaign. We may as well face the facts. I do not feel abashed or inhibited by the argument made.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield shortly.

First, I would like to state why I think the bill should be passed. I am deeply concerned, and I think all of us here should be deeply concerned, with the violence which has taken place, we have seen it even in Atlanta, where there has been such progress and a very enlightened policy was managed by the mayor previously in office and by the present mayor who succeeded him.

I think the Senate has an overwhelming responsibility in respect to questions of violence which are going on in the country based upon tremendous unemployment rates in Negro areas, as well as in other types of frustration. There are Negro areas where the unemployment rate for youth is at least four times what it is for the white community. I know of areas where unemployment for Negro adults runs close to 40 percent.

Under those circumstances it is almost inconceivable, that there will not be a situation which just cannot be held down by the most drastic means.

We have simply got to understand that we are trying to make up in 10 or 12 years, since 1954, what has been going on as a result of the heritage of a century. It is not easy, and we incur a grave danger of far more violence than we have already seen, by refusing, almost arbitrarily, to consider a measure when the other body, a coequal body with this one, has acted, after much hard labor, and to at least facilitate this measure, which according to general consensus, is required to alleviate the situation.

I think we are under a grave responsibility. I would not feel content in my own conscience if I did not fight with every fiber of my being to bring about at least a consideration and a vote on this measure at this session of Congress.

I feel it is in the interest of the country that we do what we can to take continuous steps forward in the legislative field as we are expected to go forward in the private field along these lines.

I think the bill as it comes out of the House is overly modest. From the civil rights point of view, it is far less than half a loaf, instead of a whole loaf. It is endeavoring to give legislative relief to millions who are in bitter oppression, who are rightfully aggrieved, but who are not rightful in their violence.

Mr. President, it is the responsibility of Government to answer grievances and to legislate, and legislate as reasonable men. The idea that we are to be held back by the white backlash or as a result of resentment or because of the feeling that violence has engendered, does not belong here. This is no way for us to act. We should be leaders, not followers. If there is a white backlash, we should not step down from our leadership. We should not fail to act because of emotionalism. The people picked us for office. We are in office for a certain number of years, and we cannot be withdrawn during that time. That is why the Founding Fathers made it so.

Mr. President, without laboring the issue unduly, I believe we should act, that we must act, that there is every reason to act, in the interest of the Nation and public order, and pass this measure. I know that it will not be done, apparently, without cloture.

So I shall close with what should be the central theme of what I have to say, because, after all, in a matter like this, we have to talk primarily to our own side of the case, emphasizing the importance of the cloture vote.

It will be the first cloture vote. There may be another. Nonetheless, if there is to be any hope for this measure, it must command at least a majority—and a substantial majority—on Wednesday, and, hopefully, carry entirely, as it richly deserves to be carried.

I should like to make a plea especially to Senators who have reservations about the bill—to those "middle" Senators who are not all for the bill or all against it, but who have reservations; who may wish to strike out a title or to make a change. It is to them that one has to appeal in the interests of having them consider the measure, and not to abort it completely, because that clearly would be a shock to the country, would add to the mounting difficulties, and would represent a failure in leadership. It would create the impression that we will refrain from legislating because we are angry, that we are resentful at what is going on in the country in terms of such manifestations of violence as we are facing. Rather, we should have the sense to answer the grievances by dealing with them in the bill, and also have a sense of proportion, considering the relatively small amount of violence that is now occurring compared with the heritage of a century of oppression.

TRIBUTE TO MSGR. FREDERICK G. HOCHWALT

Mr. MORSE. Mr. President, I was saddened to learn on September 5 of the death of the Right Reverend Monsignor Frederick G. Hochwalt, formerly director of the department of education of the National Catholic Welfare Conference and who at the time of his demise was serving as executive secretary of the National Catholic Educational Association.

Monsignor Hochwalt appeared frequently before my Subcommittee on Education in presenting the testimony of his organization upon our bills over the years. He was an able and articulate advocate of a point of view which I respected. During the first year of President Kennedy's administration, through Monsignor Hochwalt's cooperation, we were able to work out a provision, for the first time in Federal aid-to-education legislation, and do it within the framework of the first amendment of the Constitution, for some aid to private

schools. Mr. President, that first proposal that Monsignor Hochwalt and I agreed upon and sought to incorporate in legislation at that time was subsequently amplified; and we, as far as Federal aid to education is concerned, I think, went a remarkably long way in ironing out one of the most serious controversies that had developed within this country. I wish to express again, as I did at that time when he was living, my great appreciation for the cooperation which the monsignor extended to me in seeking to take that bill through the Senate.

In person he was a kind and gentle man, and above all he was a reasonable and patient man.

Although he wore his academic distinctions lightly, he was a deeply learned man. Those who have worked with him will miss the inspiration that he brought to their meetings.

Mr. President, in concluding this tribute to his memory, I think it appropriate to say in the words of First Samuel, chapter 2, verse 35, which reads:

And I will raise me up a faithful priest, that shall do according to that which is in my heart and in my mind; and he shall walk before mine annointed forever.

If those words apply to any man they apply to Frederick Hochwalt. I knew that he would cherish no greater tribute than the simple words of Hebrews, chapter 5, verse 6, which should be engraved upon his monument. They are:

Thou art a priest forever after the order of Melchisedec.

Mr. President, I ask unanimous consent that a biography of the late Monsignor Hochwalt which was prepared by the National Catholic Educational Association be printed in the RECORD at this point.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY

The Right Reverend Monsignor Frederick G. Hochwalt was born in Dayton, Ohio, in 1909. He obtained his elementary education at Holy Trinity Parochial School in that city, after which he attended the University of Dayton Preparatory School and the University of Dayton, where he received his A.B. degree in 1931.

He studied philosophy at St. Gregory's Seminary in Cincinnati and theology at Mt. St. Mary of the West Seminary, Norwood, Ohio. He was ordained in 1935.

Monsignor Hochwalt received his master's and doctor's degrees from the Catholic University of America, Washington, D.C., where he majored in educational administration. From 1940 to 1944 he served as chaplain of the Newman Club at the University of Cincinnati, professor at the Teachers College Athenaeum of Ohio, and director of the Catholic Youth Organization of the Archdiocese of Cincinnati.

In June 1944, Monsignor Hochwalt was appointed Director of the Department of Education at the National Catholic Welfare Conference. Also in June 1944 he was named Executive Secretary of the National Catholic Educational Association. In October 1944 he was appointed a Papal Chamberlain with the title of Very Reverend Monsignor by His Holiness, Pope Pius XII. From December 1944 to 1951 Monsignor Hochwalt served as Director of the Commission on American Citizenship of the Catholic University of America. In November 1947 he was appointed a Domestic Prelate with the title of Right Reverend Monsignor by His Holiness, Pope Pius XII.

Monsignor Hochwalt has received the following honorary degrees: LL.D., Mount Mary College, Milwaukee, Wisconsin, 1947; LL.D., St. Mary's College, San Francisco, California, 1948; LL.D., Dayton University, Dayton, Ohio, 1948; LL.D., Villanova College, Villanova, Pennsylvania, 1948; LL.D., College of St. Thomas, St. Paul Minnesota, 1951; Ed. D., Merrimack College, Andover, Massachusetts, 1952; LL.D., Manhattan College, New York, 1954; LL.D., Saint Michael's College, Vermont, 1955; LL.D., St. Louis University, St. Louis, Missouri, 1957; LL.D., St. Norbert College, West De Pere, Wisconsin, 1960; LL.D., Providence College, Providence, Rhode Island, 1960; LL.D., Marquette University, Milwaukee, Wisconsin, 1963.

On December 9, 1954, Monsignor Hockwalt was awarded the St. Francis Xavier Gold Medal by Xavier University, Cincinnati, Ohio. He also received the Pere Marquette Award from Marquette University, Milwaukee, on April 16, 1956.

Among the committees on which Monsignor Hochwalt has served are the following: Committee on Religion and Education of the American Council on Education; the U.S. Educational Mission to Japan, 1946 and 1950; Advisor to U.S. Delegation to UNESCO meetings in Paris, Mexico City, and Florence. He is a member of the Commission on Federal Relations of the American Council on Education; Education Committee of the Catholic Association for International Peace; the Catholic Commission on Intellectual and Cultural Affairs; the Board of Directors of the American National Council for Health Education of the Public; Committee on School Services of the Boy Scouts of America; Advisory Council of the University of Pittsburgh Project Talent Office; Advisory Board of Center for Applied Research; Washington Advisory Committee of the Institute of International Education; Editorial Board of the Catholic Encyclopedia; Standing Committee on Tests and Measurements of the Educational Testing Service.

Monsignor Hochwalt retired January 1, 1966, as Director of the Department of Education, National Catholic Welfare conference. He continued as Executive Secretary of the National Catholic Educational Association.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HART. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order heretofore entered, that the Senate recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 43 minutes p.m.) the Senate took a recess until tomorrow, Tuesday, September 13, 1966, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 12 (legislative day of September 7), 1966:

TRAFFIC SAFETY ADMINISTRATOR

William Haddon, Jr., of New York, to be Traffic Safety Administrator. (New position.)

NATIONAL MEDIATION BOARD

Howard G. Gamser, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1969. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12 (legislative day of September 7), 1966:

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Paul DeWitt Adams, O17306, Army of the United States (major general, U.S. Army).

U.S. NAVY

To be vice admiral

Rear Adm. Allen M. Shinn, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

ATOMIC ENERGY COMMISSION

Carl Walske, of New Mexico, to be Chairman of the Military Liaison Committee of the Atomic Energy Commission.

EXTENSIONS OF REMARKS

The President's Anti-Inflationary Program Deserves Full Support

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1966

Mr. REUSS. Mr. Speaker, President Johnson's economic message of last week offers us a way to check inflation before it gets out of hand, and at the same time to continue and broaden our prosperity.

A first recommendation is that the 7-percent investment tax credit be suspended for 16 months. This is precisely in accord with the recommendation of the Joint Economic Committee of last March:

We should immediately suspend the 7-percent investment credit provision in view of the extraordinary exuberance indicated by investment programs. This is one of the major inflationary threats of this year. This action should be accompanied by a provision that the 7-percent credit would go back into effect at a fixed future date unless Congress acts to extend the suspension.

The House Committee on Ways and Means, and its chairman, the gentleman from Arkansas [Mr. MILLS] have today commenced hearings on the President's tax recommendations.

Another important recommendation of the President is to the Federal Reserve Board and to the banks to lower interest rates. The suspension of the